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THE MACMILLAN CO. OF CANADA, LTD.
TORONTO

BRITISH ADMINISTRATION IN INDIA

BY

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REVISED AND ENLARGED

MACMILLAN AND CO., LIMITED
ST. MARTIN'S STREET, LONDON
1920

First Edition 1913.
Reprinted 1915 (twice), 1916.
Reprinted, with corrections 1917 (twice).
Second Edition 1920.

GLASGOW: PRINTED AT THE UNIVERSITY PRESS
BY ROBERT MACLEHOSE AND CO. LTD.

PREFACE

Mr. J. A. R. Marriott has asked the question, whether we do not begin Constitutional History—the history of institutions—at the wrong end, and whether we should start, not with the *Germania* and Stubbs and Dr. Liebermann, but with Mr. Sidney Low and President Lowell, with *Hansard* and *The Times*. The author of this book has also thought—and perhaps the disease may have begun with his attendance at Mr. Marriott's lectures at Oxford many years ago—that lectures to Indian students on Constitutional History might be more profitable if they dealt with the present-day working of the Indian Constitution rather than with the Witenagemot, the laws of Ini, or even with the Constitutions of Clarendon. In the meantime, something has been done in this direction in India. In the courses arranged by the Senate of the Bombay University considerable importance has been attached to the study of "Administration." For the Intermediate Examination in Arts the subject of Indian Administration has been prescribed; in the B.A. the Constitution of England, as well as those of Continental Europe as contained in Mr. A. L. Lowell's book, are laid down; and in the M.A. the Administration of the British Dominions—a study which we owe very largely to Mr. A. B. Keith—forms a special subject.

The various subjects of study in Indian Administration, as laid down in the University Regulations, were taken very largely from the *Imperial Gazetteer*, but this book, admirable though it may be in many ways, is not suitable as a text-book for Indian students. A somewhat formidable list of

authorities, from which the author has extracted much of the material necessary for this work, and to which he owes a debt of gratitude, has been included in these pages, but no single volume covers the whole ground required; and most of these books have been written to expound the methods of British rule in India from a particular point of view, and to prove a particular contention. Such, obviously, is not the type of book required for college students in their second year, who are not expected to criticise or to form opinions as to the working of the various departments of Government. The student requires a mere statement of fact, and the general public an expression of opinion. This book, therefore, is intended for the use of students, and not for the general public.

It is with much diffidence that this book has been written. The task has been a difficult one. Each local Government has very largely its own system; changes are always taking place; and Government Reports are soon out of date. The author, moreover, cannot claim a knowledge of the Government of India in all its branches, and indeed it would be difficult to find anyone who had enjoyed such an experience. A professor at an Indian college, however, holds a somewhat detached position, and perhaps has less temptation than other Englishmen resident in India to express opinions on these matters. It is possible, therefore, that he has some advantages in writing a book of this nature for Indian students; and, in addition, he is constantly reminded of the fact that he has more leisure than other Government officials in India.

PREFACE TO SECOND EDITION

GREAT changes have been made in the system of government in India by the reforms of 1919. The First Edition of this book therefore became hopelessly out-of-date. The task of preparing a new edition during a time of transition has been one of great difficulty. The working of the Act is of almost greater importance than the Act itself; but the Act has not yet been put into effect. But as this book is used in some schools and colleges, it seemed the better course to prepare another edition at once in spite of many and obvious difficulties.

June, 1920.

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CHAPTER I.

HISTORICAL INTRODUCTION.

"We seem, as it were, to have conquered and peopled half the world in a fit of absence of mind." SIR JOHN SEELEY.

"The East is a university in which the scholar never takes a degree." LORD CURZON.

"The essence of the 'double government' system was that the substance of authority passed from the Company to the Crown. The Company reigned, but in important matters did not govern." SIR T. L. HOLDERNESS.

"The announcement (of August 20, 1917) marks the end of one epoch, and the beginning of a new one. Hitherto, we have ruled India by a system of absolute government, but have given her people an increasing share in the administration of the country and increasing opportunities of influencing and criticising the Government. . . . We have at present in India neither the best of the old system, nor the best of the new. Responsibility is the savour of popular government, and that savour the present councils wholly lack. Our first object must be to invest them with it. They must have real work to do; and they must have real people to call them to account for their doing of it." MONTAGU-CHELMSFORD REPORT.

Division of periods.

"THE history of British India falls into three periods. From the beginning of the seventeenth to the middle of the eighteenth century the East India Company is a trading corporation, existing on the sufferance of native powers and in rivalry with the merchant companies of Holland and France. During the next century the Company acquires and consolidates its dominion, shares its sovereignty in increasing proportions with the Crown, and gradually loses its mercantile privileges and functions,

After the mutiny of 1857 the remaining privileges of the Company are transferred to the Crown, and then follows an era of peace in which India awakens to new life and progress." [1]

To these three periods must now be added a fourth, dating from the famous pronouncement of August 20, 1917. On that day His Majesty's Government announced in the House of Commons that an increasing association of Indians in every branch of the administration and the gradual development of self-governing institutions with a view to the progressive realization of responsible government in India as an integral part of the British Empire were accepted as guiding principles for future development.

In following the growth of the Indian constitution, therefore, we shall notice very briefly in the first place the charters which were given from time to time to the East India Company in the early days of its history; after that, the Acts of Parliament relating to India and the revision of the charter made every twenty years, which tended more and more to limit the powers and privileges of the Company and to increase the responsibility of Parliament over India; the Acts of Parliament since 1857 which strove to associate in some degree the people of India with the Government; and, finally, the recent changes which have been made in consonance with the pronouncement of August 20, 1917.

(1) 1599-1765. The East India Company.

Discovery of the New World and growth of modern Europe.

Owing to the capture of Constantinople by the Turks and to the discovery of the New World and of the Cape of Good Hope by Christian sailors the history of Europe was altogether changed. The centre of interest shifted from the eastern shores of the Mediterranean to the Atlantic, which became the new Mediterranean of the modern world. The nations of Western Europe, by the assistance of their geographical position and by the venturesome bravery of

[1] *Gazetteer*, vol. iv., p. 5.

their sailors, took the lead in opening up the trade of the East as well as of the West. Vasco da Gama landed in Calicut in 1499, and shortly afterwards the Portuguese Empire in the East was founded. A few years later, Portugal became merged in the greater power of Spain, whose trade monopoly was already being challenged both by England and Holland. In the history of England also this was a time of great importance, when the feebleness of the Lancastrians was replaced by the strong national rule of the Tudors, when the seeds of the union of England and Scotland were being sown, when a national Church was established, and when the foundations of the British Empire were laid. Holland at the same time was engaged in a heroic struggle against the might of Spain, which resulted in her gaining independence from the tyranny of the Spaniard.

The Chartered Companies.

It was impossible, therefore, for Spain and Portugal to retain the monopoly of the Eastern trade, and their power soon began to decline. The Protestant nations of England and Holland, though for some time on friendly terms in Europe, soon found that their interests clashed in the East, and throughout the seventeenth century their traders competed for the advantage. The position of the individual trader was most perilous; whatever might be the state of international politics in Europe, there was no quarter given on the high seas. The pursuit of trade had to be backed up by armed force, and victory rested with the strong. It was for this reason that Chartered Companies came into existence. About the same time that the Dutch founded an East India Company, Queen Elizabeth granted to certain London merchants a charter for trading purposes in the East Indies, which has been likened to a licence for private war. The relations between the Crown and the Company were left vague, as the State did not wish to be implicated in open warfare with a nation with whom very possibly she might be on friendly terms in Europe. In return for these privileges, which amounted to a trade monopoly so far as

England was concerned, the East India Company paid to the Crown from time to time a share of its profits.

The Company thus found it easy to raise large sums of money to pursue its commercial policy in the East, and in an indirect manner built up by degrees that connection between Great Britain and India which at a later period became more intimate. The charter granted by Elizabeth was renewed from time to time by the Sovereign, and after the Revolution of 1688 by Act of Parliament. Apart from this, and from taking a share in the profits, the Government of Great Britain took no responsibility in the affairs of the Company. At first the control was placed in a Governor and Council; and at a later date the Courts of Proprietors and Directors were constituted. The qualification for the former was the possession of £500 stock and upwards, and for the latter £2000 stock was necessary. The Directors were elected annually by the Proprietors. The relations between the two Courts were somewhat ill-defined, but apparently the Proprietors could overrule the decisions of the Directors. Besides the trade monopoly, the Company had under their charter the right "to acquire territory, fortify their stations, defend their property by armed force, coin money and administer justice within their own settlements." Though the Dutch and the Portuguese soon went beyond the mere pursuit of trade and began to seize territory as opportunity offered, the English at first sought trading facilities rather than territorial possessions and were thus content with a few trading stations. The first of these was at Surat, where certain concessions were granted by the Emperor Jehangir. In 1616 the Company opened a factory at Masulipatam, and in 1640 Fort St. George was built at Madras on land bought from an Indian ruler. A factory was also built on the Hugli, which in 1690 was moved to Calcutta; and in 1662 the Portuguese handed over Bombay to Charles II., who granted it a few years later to the Company "in free and common socage as of the Manor of East Greenwich, on payment of the annual rent of £10."

Their development.

At the beginning of the eighteenth century India was in a state of confusion. Aurangzeb, the last of the great Moguls, died in the year 1707, but even before that time the Muhammadan Empire had shown signs of decay. The Mahratta powers, the Muhammadan princes, and the Hindu rulers were eagerly competing for those territories which had once been included under the rule of the Great Mogul.

The Company becomes a political power in India.

The security of British trade therefore was in danger, and it became impossible for the Company to cease from interference in Indian politics. The Dutch, mainly owing to their misfortunes at home, had declined in power and had retired to the East Indies, where their rule still prevails. In the meantime, another European power had entered the lists. It was in 1664, during the long reign of Louis XIV., that the French East India Company was founded under the fostering care of Colbert, but by the futility and folly of his European wars, by the persecution of the Huguenots, the most industrious of his subjects, and by the over-centralization of his government, Louis sowed the seeds of future trouble and also checked the progress of French enterprise in the East. It was not until the eighteenth century was well advanced and Louis himself was dead that the fortunes of France in the East began to improve. In 1715, Mauritius was captured, and became the headquarters of the French fleet in Eastern waters; and Pondicherry and Chandernagore became starting-points for fresh adventures on the mainland. The arrival of Dupleix as Governor of Pondicherry in 1741 proved a turning-point in Indian history. He realized to the full the possibilities that awaited the successful European power in India. It was his policy to take part in the rivalries between the native princes, and to discipline Indian troops after the European fashion. His success was immediate; and France became for a time the dominating power in Southern India. The brilliant generalship of Clive, however, the heart-rending neglect shown by the French Government at home, and, above all, British control of the sea, proved fatal to the

ambitions of Dupleix; and both in Bengal and Southern India the East India Company found itself forced to accept responsibilities far beyond what had ever been anticipated. In 1765, Clive accepted in the name of the Company the Diwani of Bengal, Bihar, and Orissa from the Emperor at Delhi, and with that memorable event the first period may be said to end.

(2) 1765–1858. Double Government.

In 1773, when Lord North's ministry was in power, the eyes of England were turned to India, where an altogether novel position had arisen. A trading company had been forced by peculiar circumstances to take part in Indian politics and to assume responsibilities of government over millions of people. Public opinion in England was largely mistaken as to the real state of affairs in India. It was true that some servants of the Company were amassing for themselves gigantic fortunes, but at the same time the finances of the Company were at a very low ebb. Its debts were large; the need of maintaining a standing army was imperative; its arms were not always successful, Hyder Ali having just won a signal victory over the Company's troops in the south; and famine had reduced the province of Bengal to abject poverty. Yet all the time large dividends were being paid, and the holders of stock were clamouring for more. Moreover, stories of oppression were constantly being brought from the East. Many thought that the only solution of the difficulty was that the British Parliament should take a more active share in the management of the Company's property, and that the political powers of the Company should be defined as clearly as possible.

To meet these difficulties the Regulating Act was passed. The immediate and more pressing financial difficulties of the Company were relieved, and regulations were made to prevent the payment of excessive dividends. But Lord North's Government dealt with matters far more important than the imminent bankruptcy of the East India Company, and took into consideration the

Regulating Act, 1773.

whole question of Company rule in India. At home the constitution of the Courts of Directors and Proprietors was changed. The Directors' tenure of office was increased from one to four years; and the right of voting in the Court of Proprietors was restricted to those who had held stock amounting to £1000 for at least twelve months. In India the responsibility to make rules, alliances, and regulations for the good order and civil government was handed over to the Governor-General of Bengal assisted by three councillors, who was also given supervisory powers over the Governments of Madras and Bombay. The appointment of Warren Hastings, the first Governor-General, and of his councillors was included in the Act, but after a period of five years the Indian patronage was to return to the directors. The Act also provided for the constitution of a Supreme Court at Calcutta. Sir Elijah Impey was the first Chief Justice, who was assisted by three judges.

Fox's East India Bill.

The passing of the Regulating Act was the first event of importance in this second period which saw a system of "Double Government" established in India, in which the responsibilities were shared by the Crown and the Company. Within a few years it became obvious that affairs in India were still by no means satisfactory. Hastings' rule, which had lasted for ten years, had been full of difficulties. Hyder Ali in the south, and the Mahrattas in the west, had been in alliance with the French, and it was only with the greatest danger and at serious expense that Hastings had been able to maintain the British position in India. Moreover, there had been violent quarrels between the Governor-General and certain members of his Council as well as between the Executive and the Supreme Court; and there were still stories of oppression towards the peoples of India. The Coalition Ministry of Fox and North was then in office, and the former decided to deal with the situation in India. In 1783, he introduced his East India Bill in the House of Commons. The solution of the difficulty appeared to him to lie in the extension of the power of Parliament over the

Government of India. For this purpose seven Commissioners, named in the Bill, were to be appointed, who should control the management of Indian affairs. The regulation of commerce was to be entrusted to nine directors appointed by Parliament from amongst the largest proprietors. William Pitt led the opposition to the Bill, the chief danger of which consisted in the transference of the Indian patronage from the directors to the King's ministers. George III. and his friends had already used the English patronage to organize a party in Parliament, which was bound to them by ties of gratitude. Many viewed with alarm the possibility of the Indian patronage being used for similar purposes. The Bill was eventually thrown out by the House of Lords, and Fox and North were called upon to resign.

Pitt's India Act.

When Pitt came into power after the overthrow of the Coalition he found it necessary to frame a Bill for the better government of India. He was careful not to repeat the mistakes of Fox, and left the patronage and all matters connected with trade in the hands of the directors. On the main principles, however, his policy was similar to that of Fox. The guiding hand in future was to be the British Parliament rather than the Company. A Board of Control consisting of six commissioners was appointed under the Act. Their duties were "to superintend, direct, and control all acts, operations, and concerns which in any wise relate to the Civil and Military Government or revenues of the British territorial possessions in the East Indies." The Chancellor of the Exchequer and one of the Secretaries of State had seats on the Board, but the next senior member became known as the President of the Board of Control. His position was one of great importance, and somewhat similar to that now held by the Secretary of State for India. The Court of Proprietors had refused to sanction the recall of Hastings, though it had been demanded both by the Directors and by the House of Commons. Their powers, therefore, were reduced, and their Court was made subordinate to that of

the Directors, whose decisions they had henceforth no power to alter. Pitt's Act, except for a few alterations, remained in force until the year 1858.

In 1793, when the time arrived to renew the old charter, Dundas, Pitt's most intimate friend, was President of the Board of Control. Much detail work was done, and in that year the Covenanted Civil Service was constituted. In 1813, more important questions demanded solution. Much had happened in India. Vast additions had been made to the territory administered by the Company, owing to the successful campaigns of Lord Wellesley; and it was felt that a trade monopoly was unsuitable at a time when other merchants were demanding a share in the profitable trade of the East. The Company fought hard to retain its commercial privileges. The majority of experienced Indian administrators, including Warren Hastings himself who had long since retired, dealt with the gravity of the situation which might arise from unrestricted trading. There had been much difficulty in the past, they pointed out, in supervising even the relations between the Company's servants and the Indians. In the end a compromise was effected. The Company lost its commercial privileges, but was allowed to retain its monopoly of the tea trade and of that with China; and a system of licences was made to safeguard the Indians against the wiles of irresponsible English adventurers. The patronage of the Company and its political privileges were preserved, except that the appointment of the chief officers was made subject to the approval of the Crown.

Renewal of the Charter.

At the renewal of the charter in 1833, the Company lost its monopoly of the China and the tea trades, which had been preserved on the previous occasion. Though it had thus lost its commercial privileges, the Company still retained its political responsibilities. The wording of the 1853 charter, however, showed clearly that the days of Company rule were numbered in that no fixed time for its duration was mentioned. At this time the right of patronage was withdrawn from the directors

and was exercised under rules framed by the Board of Control.

(3) 1858. **India under the Crown.**

The system of Double Government came to an end in 1858, when the Government of India was transferred from the Company to the Crown. The Board of Control was replaced by a Secretary of State assisted by a Council, in whom was vested the patronage of the more important posts. The Rules and Regulations for the conduct of the Civil Service, as passed in 1853, were continued until 1861, when the Civil Service Act was passed. A list of appointments, reserved for members of the Covenanted Service, was drawn up, though in exceptional cases men from outside the service could be appointed subject to the approval of the Secretary of State in Council. The Indian Government was left very largely as it was.

Important Acts of Parliament.

In the interval between 1858 and 1917 very few Acts of first-rate importance were passed by the British Parliament with reference to India. Power has been given to increase the size of the Governor-General's Council; new provinces have been formed and existing boundaries have been modified; and the regulations for the Civil Service have, from time to time, been altered. The Indian Councils Act of 1861 put the legislature on a new basis, and restored to the Governments of Madras and Bombay the right of legislation, subject to certain reservations; and arrangements were made for a Legislative Council in Bengal, the North-Western or United Provinces, and the Punjab. Further developments were made in the Indian legislatures under the Act of 1892. In 1861 the judicature was put on a less complicated basis by the High Courts Act, when the Crown and Company Courts were abolished, and High Courts were established at Calcutta, Madras, and Bombay.

The Indian Councils Act of 1909 was introduced in the House of Lords by Lord Morley, during the term of office of Lord Minto, and was passed by Parliament. The

changes which were then made were considered by some at the time to be of a revolutionary character but, though they mark an important advance, they did not embody any new policy. Lord Morley himself expressly repudiated the idea that the measures were in any sense a step towards parliamentary government. The new reforms were based on the fundamental principle that the executive government should retain the final decision on all questions, although some degree of popular control over legislation was established in the provinces by providing small non-official majorities in the Legislative Councils. The main object of the Morley-Minto reforms was to associate the people to a greater extent with the actions of Government. With this end in view, the system of Council Government was extended by the appointment of an Indian to the Viceroy's Executive Council; by the enlargement of the Executive Councils in Madras and Bombay, where the opportunity was taken of appointing an Indian; and by giving authority to constitute a similar council in any province where there was a Lieutenant-Governor, and especially in Bengal. The Legislative Councils, both Imperial and Provincial, were considerably enlarged, and the elective element was increased. The right of discussing questions of public interest was also conceded to these Councils.

The Councils Act of 1909.

In 1911, His Majesty King George V., accompanied by the Queen Empress, visited India for the purpose of holding in person an Imperial Durbar at Delhi. The occasion was unique in the history of India, it being the first time that an English sovereign has landed on Indian soil. The visit proved the deep loyalty of the people of India, which His Majesty's message of hope for the future did much to confirm. The Durbar had a further significance in that the King-Emperor made proclamations of great importance. The capital of India, which had been for many years at Calcutta, was to be removed to Delhi, a city of many historic memories; and a rearrangement of the Bengal provinces was also adopted.

The Durbar of 1911.

In the following year, a Bill was introduced in Parliament by which some of these changes were put into effect.

Indians in the public services.

In the years immediately preceding the war, Lord Hardinge, while retaining the old system of government, strove in another, and more direct, way to associate the people with Government by the inclusion of a greater number of Indians in the public services and in the Secretariats. This was undoubtedly a move in the right direction but, though the policy of Government may have thereby become more susceptible to Indian influence, this new departure did not bring Indians any nearer to a system of responsible government by enabling them, through their elected representatives, to determine the policy of Government and to control the executive.

(4) India and the War: the Pronouncement of August 20, 1917.

During the great war India made large contributions both in men and money to the common cause. Indian troops fought in France and Flanders, in Egypt and Palestine, in Mesopotamia and East Africa. Indian soldiers won the Victoria Cross, and Indians received commissions in the Army. Indian statesmen sat on the War Council and signed the terms of peace at Versailles. Great Britain and her allies were fighting against the powers of Central Europe for the rights of nations; and it was but natural that in those days of crisis and change the future government of India should be taken into consideration. On August 20, 1917, Mr. Montagu, the Secretary of State for India, made the following announcement in the House of Commons:

"The policy of His Majesty's Government, with which the Government of India are in complete accord, is that of the increasing association of Indians in every branch of the administration and the gradual development of self-governing institutions with a view to the progressive realization of responsible government in India as an integral part of

the British Empire. They have decided that substantial steps in this direction should be taken as soon as possible, and that it is of the highest importance as a preliminary to considering what these steps should be that there should be a free and informal exchange of opinion between those in authority at home and in India. His Majesty's Government have therefore decided, with His Majesty's approval, that I should accept the Viceroy's invitation to proceed to India to discuss these matters with the Viceroy and the Government of India, to consider with the Viceroy the views of local Governments, and to receive with him the suggestions of representative bodies and others.

"I would add that progress in this policy can only be achieved by successive stages. The British Government and the Government of India, on whom the responsibility lies for the welfare and advancement of the Indian peoples, must be judges of the time and measure of each advance, and they must be guided by the co-operation received from those upon whom new opportunities of service will thus be conferred and by the extent to which it is found that confidence can be reposed in their sense of responsibility.

"Ample opportunity will be afforded for public discussions of the proposals which will be submitted in due course to Parliament."

The Montagu-Chelmsford Report.

At the end of the same year, Mr. Montagu arrived in India and, in conjunction with Lord Chelmsford, the Viceroy, drafted a report which was published in the following year. The authors of the report considered the pronouncement made in the House of Commons to be "the most momentous utterance ever made in India's chequered history. It pledges the British Government in the clearest terms to the adoption of a new policy towards three hundred millions of people. The policy, so far as western communities are concerned, is an old and tried one. Englishmen believe in responsible government as the best form of government that they know; and now in response to requests from India they

have promised to extend it to India also under the conditions set forth in the announcement."

The publication of the report made a deep impression upon public opinion in India. Hitherto, discussion had been confined very largely to the modification of the old system of government whereby all responsibility for the management of Indian affairs rested with the Viceroy and his Executive Council, except in so far as they were subordinate to the Secretary of State and to the British Parliament. Such modifications might be, and were, effected by rendering the Government more subject to Indian influence and in closer touch with Indian aspirations by increasing the number of Indians in the public services, by the enlargement of the Legislative Councils and by the increase of their powers. The report, however, went much further and expressed ideas which will change the conception of government in India. Discussion therefore turned on the meaning and purport of the word "responsibility." Responsible government rests on the acceptance of two conditions. First, that the executive government should, in all its actions, be responsible to the people of the country, and that it should only continue in office so long as it retains the support of a majority of members in the Legislative Council. Secondly, that the people should exercise their powers through the agency of their elected representatives in the Legislative Councils.

Responsible government can meet with a large measure of success only in a country where certain conditions prevail.

Requisites of Responsible Government.

In the first place, a large proportion of its citizens must be able, by their education and by their conditions of life, to exercise the privilege of electing their representatives without partiality or prejudice. Responsible government does not admit the domination of a race or a caste. In the second place, there must be a number of public-spirited and experienced men who have both the will and the time to devote themselves to public duties. And thirdly—and this is perhaps the most important of the three conditions—the

citizens of the country must so feel a devotion to their Government that they will be willing to lay down their lives on its behalf on the field of battle and that they will render it all the assistance that they can in the maintenance of law and order. In a country in which a large number of its citizens are either incapable or unwilling to show that devotion, responsible government cannot flourish.

The Development of Responsible Government in India.

The authors of the report were in agreement with the pronouncement made in the House of Commons that, though the time had not yet come when a full measure of responsible government could be granted to India, the time was already ripe for formulating a progressive policy by which the ideal could be reached by successive stages. They were of the opinion that it was in the provincial Governments that the earliest steps could best be taken in the direction of responsible government. In certain subjects to be called transferred subjects, control therefore should be vested in Ministers who should be responsible for their actions to the Legislative Councils. The transferred subjects would be ordinarily those which afford most opportunity for local knowledge and social service, those in which Indians have shown themselves to be keenly interested, those which stand in most need of development. In order to render this departure possible, the authors of the report advised that the provinces should be given the largest measure of independence by the Government of India, and that in the transferred subjects Parliament should be prepared to forego the exercise of its powers of control. The Government of India, on the other hand, should remain responsible to Parliament in the exercise of its powers for the maintenance of peace, order, and good government. In the meantime, the Legislative Council of the Government of India should be enlarged and made more representative, and its opportunities of influencing Government should be increased.

In the cold weather of 1918-19 two Committees, presided over by Lord Southborough, sat in India, one to suggest

means whereby the franchise could be extended, the other to suggest which subjects should be transferred to the control of Ministers responsible to the Legislative Councils, which subjects should be reserved to the control of the Provincial Executive Councils, and which subjects should remain under the control of the Government of India.

In the year 1919, a Bill was drawn up and introduced in the House of Commons by Mr. Montagu, the Secretary of State for India. The Bill was well received by all parties. It was then referred to a Select Committee of both Houses of Parliament presided over by Lord Selborne. The Committee took evidence, many important officials and public men having travelled from India for the purpose of assisting the Committee with their opinions. The Committee considered that the Bill interpreted the pronouncement of August 20, 1917, with scrupulous accuracy, but suggested that certain changes should be made for the improvement of the scheme. The Committee desired to emphasize two principles of the utmost importance. In the first place, it asserted that except in so far as he is released from responsibility by the changes made under the Bill, the Governor-General-in-Council should remain in undisturbed responsibility to Parliament. In the second place, the Committee made certain suggestions whereby, in the transferred subjects, the responsibility of the Ministers and of the Legislative Councils should be made perfectly clear. "From the beginning," the Committee reported, "the people must be given an opportunity, and all political wisdom points to its being a generous opportunity, of learning the actual business of government and of showing, by their conduct of it, to some future Parliament that the time has come for further extensions of power." In regard to the future, the Committee laid it down that "Parliament, advised by His Majesty's Government and by the Government of India, must be the judge of the time and measure of each advance, and be guided by the co-operation received from those upon whom new opportunities of service are conferred and by

The Reforms Act of 1919.

the extent to which it is found that confidence can be reposed in their sense of responsibility." At the end of the year, the Bill was passed by the House of Commons; and, a short time later, by the House of Lords, Lord Sinha, the Under-Secretary of State for India, being in charge.

In giving his consent to the Bill, His Majesty the King-Emperor took the opportunity of issuing the following proclamation to his subjects in India and of showing yet again his interest and sympathy for their advancement:

The King-Emperor's Proclamation.

"Another epoch has been reached to-day in the annals of India. I have given My Royal Assent to an Act which will take its place among the great historic measures passed by the Parliament of this Realm for the better government of India and the greater contentment of her people. The Acts of 1773 and 1784 were designed to establish a regular system of administration and justice under the Honourable East India Company. The Act of 1833 opened the door for Indians to public office and employment. The Act of 1858 transferred the administration from the Company to the Crown, and laid the foundations of the public life which exists in India to-day. The Act of 1861 sowed the seed of representative institutions, and the seed was quickened into life by the Act of 1909. The Act which has now become law entrusts elected representatives of the people with a definite share in the government and points the way to full responsible government hereafter. If, as I confidently hope, the policy which this Act inaugurates should achieve its purpose, the results will be momentous in the story of human progress; and it is timely and fitting that I should invite you to-day to consider the past and to join me in My hopes of the future.

"Ever since the welfare of India was confided to Us, it has been held as a sacred trust by Our Royal House and Line. In 1858 Queen Victoria, of revered memory, solemnly declared Herself bound to Her Indian subjects by the same obligations of duty as to all Her other subjects; and She assured to them religious freedom, and the equal and

impartial protection of the Law. In His message to the Indian people in 1903, My dear Father, King Edward VII., announced His determination to maintain unimpaired the same principles of humane and equitable administration. Again, in His Proclamation of 1908, he renewed the assurances which had been given 50 years before, and surveyed the progress which they had inspired. On My Accession to the Throne in 1910, I sent a message to the Princes and peoples of India, acknowledging their loyalty and their homage, and promising that the prosperity and happiness of India should always be to Me of the highest interest and concern. In the following year I visited India with the Queen-Empress and testified My sympathy for her people and My desire for their well-being.

"While these are the sentiments of affection and devotion by which I and My predecessors have been animated, the Parliament and the people of this Realm and My officers in India have been equally zealous for the moral advancement of India. We have endeavoured to give to her people the many blessings which Providence has bestowed upon ourselves. But there is one gift which yet remains, and without which the progress of a country cannot be consummated—the right of her people to direct her affairs and safeguard her interests. The defence of India against foreign aggression is a duty of common Imperial interest and pride. The control of her domestic concerns is a burden which India may legitimately aspire to take upon her own shoulders. The burden is too heavy to be borne in full until time and experience have brought the necessary strength; but opportunity will now be given for experience to grow and for responsibility to increase with the capacity for its fulfilment.

"I have watched with understanding and sympathy the growing desire of My Indian people for representative institutions. Starting from small beginnings, this ambition has steadily strengthened its hold upon the intelligence of the country. It has pursued its course along constitutional channels with sincerity and courage. It has survived

the discredit which at times and in places lawless men sought to cast upon it by acts of violence committed under the guise of patriotism. It has been stirred to more vigorous life by the ideals for which the British Commonwealth fought in the Great War, and it claims support in the part which India has taken in our common struggles, anxieties and victories. In truth, the desire after political responsibility has its source at the root of the British connection with India. It has sprung inevitably from the deeper and wider studies of human thought and history which that connection has opened to the Indian people. Without it the work of the British in India would have been incomplete. It was therefore with a wise judgment that the beginnings of representative institutions were laid many years ago. Their scope has been extended stage by stage until there now lies before us a definite step on the road to responsible government.

"With the same sympathy and with redoubled interest I shall watch the progress along this road. The path will not be easy, and in the march towards the goal there will be need of perseverance and of mutual forbearance between all sections and races of My people in India. I am confident that those high qualities will be forthcoming. I rely on the new popular assemblies to interpret wisely the wishes of those whom they represent, and not to forget the interests of the masses who cannot yet be admitted to the franchise. I rely on the leaders of the people, the Ministers of the future, to face responsibility and endure misrepresentation, to sacrifice much for the common interest of the State, remembering that true patriotism transcends party and communal boundaries; and while retaining the confidence of the legislatures to co-operate with My officers for the common good in sinking unessential differences and in maintaining the essential standards of a just and generous government. Equally do I rely upon My officers to respect their new colleagues and to work with them in harmony and kindliness; to assist the people and their representatives in an orderly advance towards free institu-

tions; and to find in these new tasks a fresh opportunity to fulfil, as in the past, their highest purpose of faithful service to My people.

"It is My earnest desire at this time that, so far as possible, any trace of bitterness between My people and those who are responsible for My government should be obliterated. Let those who, in their eagerness for political progress, have broken the law in the past respect it in the future. Let it become possible for those who are charged with the maintenance of peaceful and orderly government to forget the extravagances which they have had to curb. A new era is opening. Let it begin with a common determination among My people and My officers to work together for a common purpose. I therefore direct My Viceroy to exercise, in My name and on My behalf, My Royal clemency to political offenders, in the fullest measure which in his judgment is compatible with the public safety. I desire him to extend it, on this condition, to persons who, for offences against the State or under any special or emergency legislation, are suffering imprisonment or restrictions upon their liberty. I trust that this leniency will be justified by the future conduct of those whom it benefits, and that all My subjects will so demean themselves as to render it unnecessary to enforce the laws for such offences hereafter.

"Simultaneously with the new constitution in British India, I have gladly assented to the establishment of a Chamber of Princes. I trust that its counsels may be fruitful of lasting good to the Princes and States themselves, may advance the interests which are common to their territories and to British India, and may be to the advantage of the Empire as a whole. I take the occasion again to assure the Princes of India of My determination ever to maintain unimpaired their privileges, rights and dignities.

"It is My intention to send My dear son, the Prince of Wales, to India next winter to inaugurate on My behalf the new Chamber of Princes and the new constitution in British India. May he find mutual goodwill and confidence prevailing among those on whom will rest the future service

of the country, so that success may crown their labours and progressive enlightenment attend their administration. And with all My people I pray to Almighty God that by His wisdom and under His guidance India may be led to greater prosperity and contentment, and may grow to the fullness of political freedom."

GEORGE, R.I.

CHAPTER II.

THE SECRETARY OF STATE FOR INDIA AND HIS COUNCIL.

"In England there are no two parties about India. It is the desire of all parties that the Government of this dependency should be conducted with insight and sympathy, and that our guiding stars should be mercy and justice." LORD CURZON.

"Parliament may sometimes be a sleepy guardian of Indian interests; but the feeling that it may call him at any time to account certainly leads the Secretary of State and his Council to exercise with some straitness both the specific powers with which they are particularly invested and also the general power of superintendence which the Government of India Act gives them."

MONTAGU-CHELMSFORD REPORT.

The Court of Directors and the Board of Control.

IN the foregoing pages it has been seen that Pitt's Act of 1784 established a dual authority, whereby the controlling power over the Government of India was shared between the Court of Directors representing the Company and the Board of Control representing Parliament. The Board originally consisted of six members, but in the course of time the number was reduced; and after 1841 the President became the only member. The balance of power was in the hands of the Board, whose responsibilities were increased as time went on. On each occasion that the charter was renewed, the controlling power of Parliament, acting through the agency of the Board, was increased. The Directors could not send a despatch to India without first submitting it to

the Board; and the Board could insist on a despatch being prepared by the Directors on any subject it pleased.

In 1858, when the Crown assumed the sole responsibility for the government of India, the office of the President of the Board of Control was replaced by that of a fifth Secretary of State. The powers of the Secretary of State were very great and may be described roughly as follows. He inherited generally all the powers and duties which were formerly vested either in the Board of Control, or in the Company, the Directors and the Secret Committee in respect of the government and resources of India. He directed all the business relating to the Government of India which was transacted in the United Kingdom. The home charges (which amounted to one-fifth of the total expenditure of India) on account of military equipment, stores, pensions, leave allowances and the like were under his control. He was the constitutional adviser of the Crown in *all* matters relating to India. His Majesty acted on his advice in making the appointments which were reserved to the Crown, except that of the Viceroy who was recommended by the Prime Minister. The powers of the Secretary of State over the Government of India were also considerable. That Government was required to pay due obedience to all such orders as it might receive from the Secretary of State. All projects for legislation, whether in the Indian or provincial legislatures, had first to be approved by the Secretary of State; and all changes in taxation had first to be laid before him. Indeed, all changes involving a departure in general policy or increased expenditure and even much of the detailed work of administration had to receive his sanction.

The powers of the Secretary of State.

Though these powers were very great, it must not be assumed that the Secretary of State was an autocratic despot, issuing edicts and instructions for the government of millions of people whom he had never seen and of whose ways of life he could have had little knowledge. He was responsible to Parliament not only for all his

own actions but also for those of the several governments and authorities to whom he had delegated responsibilities. Questions concerning the Government of India might be asked in either House; and it was open to any member, subject to the rules of the House, to promote a discussion and to submit a resolution. The Secretary of State was himself a Member of Parliament, a Cabinet Minister, and a member of the Privy Council. He had therefore to command the support of a majority in the House of Commons, and accepted or resigned office in accordance with the exigencies of party government in England.

His responsibility to Parliament.

In matters of legislation, though its supremacy is emphatic, Parliament has not passed legislation affecting the internal affairs of India. This it has left to the several legislatures in India, though it has exercised through the Secretary of State control over the legislation of these authorities; and the Secretary of State can be called upon to explain and to defend such legislation. But Parliament has never delegated its authority to control the development of the Indian constitution. In the last chapter certain Acts of Parliament were mentioned which define and legalise the executive, the legislature and the judicature of India. Alterations in these Acts can only be made by Parliament itself. On the other hand, changes of vast importance, which are not governed by Acts of Parliament, such as the transfer of the Capital from Calcutta to Delhi, need not be submitted to Parliament for legislation. The appointment of Indian non-officials under the Morley-Minto reforms may make this distinction clear. Only a certain proportion of the Governor-General's Council need have served under the Crown in India, and thus Lord Morley could appoint a non-official Indian without further legislation. The Councils in Madras and Bombay, on the other hand, consisted each of two members besides the Governor, both of whom were bound by statute to have served the Crown in India for a certain length of time. An alteration in a statute therefore being necessary, direct reference had to be made

to Parliament before a non-official of any race could be appointed.

In matters of finance also the controlling powers of Parliament have been somewhat limited. Before the recent reforms, the position of the Secretary of State for India differed from that of the Secretary of State for the Colonies. The salaries of the latter and of his establishment are a charge on the Home Government, and are therefore included in the estimates placed before the House of Commons every year. When these items are under discussion, there can be a debate on the general policy of the Colonial Secretary or on any details connected with his work; and alterations in his estimates can be made by the House of Commons. This used not to be the case with the Secretary of State for India, whose salary and establishment used to be a charge on the Indian, and not on the Home, Exchequer. The revenues and expenditure of India are not controlled by Parliament, except that no increase in the public debt and no expenditure to meet the expenses of military operations beyond the frontier may be made without the consent of Parliament. A financial statement, commonly known as the Indian budget, and audited by an independent auditor, showing the revenue and expenditure of the past year, and a detailed report of the moral and material progress of British India, have been submitted to Parliament every year, but these statements have only been followed by a formal resolution setting forth the actual revenue and expenditure of India.

The interest of Parliament in Indian affairs has been somewhat intermittent. In recent years the House of Lords has taken a keener interest in Indian affairs than the House of Commons. This is probably due to the inclusion in the House of Lords of many ex-Viceroys and Governors and of men possessed of considerable Indian experience. In some respects this practice of inaction has been of benefit to India. Constant interference by Parliament in the complex affairs of Indian government might have had evil results and, in particular, might have brought the

subject of Indian administration into the sphere of party politics. Such has not been the case. Lord Morley's reforms were considered to be beyond the scope of party politics and were accepted by both the great political parties of that day. Mr. Montagu's reforms have been regarded in a similar spirit; and it is generally admitted that the Parliamentary Committee, on which members of the three political parties were included, made considerable improvements in the scheme and showed no inclination to regard the Bill as a party measure. But, though Parliament as a body has interfered but little in the affairs of India, the Secretary of State has been constantly reminded by questions that he is responsible to Parliament; and he must be prepared at all times not only to give accurate information but also to defend the policy of the Indian Governments. It is natural, therefore, that "he should exercise with some strictness both the specific powers of superintendence which the Government of India Act gives him." This detailed supervision over Indian affairs by the Secretary of State has undoubtedly caused delay and friction, and it has also prevented any considerable delegation of authority to the Government of India and, in turn, by the Government of India to provincial Governments and to other subordinate authorities such as local boards and municipalities. But, in the absence of popular and responsible legislative assemblies in India, this check by the Secretary of State, himself responsible to Parliament, has been salutary. A Government, which does not stand in need of justifying its actions, is in danger of forgetting that its primary duty is to the people of the country.

The gradual transference of responsibility from Parliament to the Indian legislatures.

The announcement of August 20, 1917, brought into prominence the question of responsibility for the government of India. His Majesty's Government then announced its intention (which has since been agreed to by Parliament) of fostering the gradual development of self-governing institutions with a view to the progressive realization of responsible government in India as an integral part of the

British Empire. The Parliamentary Committee added that before the policy of His Majesty's Government can be fulfilled, the electorate must grow and practical experience in the conduct of public affairs must be enlarged. The problem, which was to find a half-way house between the supremacy of Parliament and the supremacy of the Indian legislatures, was therefore one of peculiar difficulty. Unless, on the one hand the authority of Parliament and of the Secretary of State were relaxed, representative and responsible institutions could not grow apace; for it is only by being in a position to make mistakes and by suffering from their consequences that the necessary experience and the true feeling of responsibility can be gained. On the other hand, a premature relaxation of Parliamentary control, exercised as it is in the main through the Secretary of State, before the new popular and responsible institutions in India have grown accustomed to their new functions and duties, might easily result in an unhealthy dominance of the executive. Be the executive English or Indian, it must be responsible for its actions to a popular assembly. Lord Chelmsford and Mr. Montagu proposed as a general principle that the Indian executives should be responsible in certain matters to the British Parliament and in others to the new Indian legislatures.

The responsibility of Parliament for the development of the Indian Constitution.

Parliament was therefore faced with the twofold task of maintaining, indeed emphasizing, its responsibility for the proper government of India and, at the same time, of relaxing its control in certain matters. The Parliamentary Committee therefore felt it to be of the utmost importance that Parliament should make it quite plain that the responsibility for the successive stages of the development of self-government in India rested on itself alone, and that it could not share this responsibility with, much less delegate it to, the newly elected legislatures of India. In order to assist Parliament in this respect, the Committee suggested that within, but not before, the lapse of ten years there should be a commission of inquiry to

examine into the working of the constitution and to what extent the powers of self-government already granted should be extended, or modified, or restricted. The Parliamentary Committee also proposed means whereby Parliament should be kept in closer touch with the affairs of India. In the first place, the salary of the Secretary of State and the cost of his political establishment at the India Office are now included in the English and not, as before, in the Indian estimates. By this means the Secretary of State is more liable than formerly to censure by the House of Commons through a reduction in his salary, which is tantamount to a vote of no-confidence. The Committee also proposed that a Standing Joint Committee should be appointed by both Houses of Parliament for the purpose of keeping Parliament in closer touch with Indian affairs than has hitherto been possible. This Committee exercises purely advisory and consultative functions, but has been consulted by the Secretary of State concerning such rules and regulations as have been drafted in connexion with the new scheme of reforms; and, by its constant attention to Indian affairs, it should stimulate the interest of Parliament and of the British public in the true development of an Indian policy. In the third place, the Committee suggested that information and explanation regarding the doings and the policy of the Indian Governments should be more readily available than heretofore. In England, the Government must explain its policy to the electors; otherwise its tenure of power would quickly become precarious. This explanation is given not only by speeches in Parliament, but by addresses to the general public. Lord Chelmsford and Mr. Montagu pointed out that some such practice should be adopted by the official members of the Indian Governments. This is necessary not only in the interests of the Governments themselves, but also for the proper education of the electors in public affairs. One of the first requisites of responsible government is a large and well-informed electorate; and therefore during the period when India is advancing by successive

stages to full responsible government it is essential that the Indian public should have ample facilities for the study of political problems. It is for this reason, among others, that the study of political science is included in the university curricula and that some knowledge of British administration in India is made obligatory for students. The Government of India has recently made an advance in this matter. A Publicity Bureau has been established with an officer in charge, one of whose duties is to prepare an annual report on the progress of India. This report takes the place of the Moral and Material Progress report of olden days, and is presented to Parliament.

Relaxation of Parliamentary control in other matters.

Having emphasized the responsibility of Parliament towards India, the Parliamentary Committee then proceeded to relax its control in certain directions. Its desire was that in the transferred subjects the responsibility of the ministers, the legislative authorities and the electors should be clearly fixed. It will be for the electors to select suitable representatives in the several provincial Legislative Councils, to whom the Ministers will be responsible for their actions. If they select unsuitable representatives, then the blame will be on them if things go wrong. The remedy will be to select more suitable representatives at the next election. The Parliamentary Committee therefore laid it down that over transferred subjects the control of the Government of India and of the Secretary of State should be restricted within the narrowest possible limits, which have been defined by rules framed under the new Act. The Committee also proposed some relaxation of control over the reserved subjects, and laid down the principle that, where the provincial Government and legislature are in agreement, their view should ordinarily be allowed to prevail. In regard to the duties of the Government of India, the Parliamentary Committee considered that the creation of a Legislative Assembly with a large elected majority demanded more scope for exercising its responsibility. It is therefore in exceptional cases only that the

Secretary of State will be called upon to intervene in matters of purely Indian interest where the Government and the Legislature of India are in agreement. The proposals considered in this paragraph, which have been accepted by Parliament, mark a very considerable advance towards responsible government.

The High Commissioner for India.

The Parliamentary Committee also supported a suggestion made by a committee presided over by Lord Crewe that a High Commissioner for India be appointed. This officer performs for India the functions of agency, the purchase of stores and the like, which have hitherto been carried out under the direction of the Secretary of State. The creation of this office renders the status of India in London more similar to that of the self-governing Dominions. The High Commissioners of the Dominions, besides representing their respective Governments, have done much to spread information regarding their own countries, and also to assist their own countrymen during their residence in the United Kingdom.

The India Council.

Since 1858 there has been associated with the Secretary of State a body called the India Council. On the eve of the changes carried out in that year, the Directors of the East India Company submitted a petition to the House of Lords in which they emphasized the necessity of expert and experienced advice in administering Indian affairs in London. In consequence, the India Council was established. The Secretary of State is the President of the Council. The Vice-President is appointed by the Secretary of State, who has the power to remove him at any time. The members of the Council are appointed by the Secretary of State; but are debarred by statute from holding a seat in Parliament, and thus take no active share in party politics. The number of members has varied from time to time. Under the new Act the number may be not less than eight and not more than twelve, as the Secretary of State may determine. One-half of the members must have resided in India for at least ten years, and have not last left India more than five years before the date of

their appointment. In 1919 there were three Indians on the Council, but the Parliamentary Committee thought that the appointment of more Indians would be beneficial. Under the Act of 1919 the term of appointment was reduced from seven to five years, as the Parliamentary Committee thought that by so doing a continuous flow of fresh experience of India would be ensured and the Indian members would be relieved from the necessity of spending in England so long a period as seven years. The Secretary of State may constitute committees of the Council, and generally direct the manner in which the business of the Secretary of State or of the Secretary of State-in-Council shall be transacted. A member of the Council can only be removed from his office by His Majesty on an address of both Houses of Parliament.

Powers and duties of the Council of India.

It is more difficult to discuss the powers of the Council and its influence on Indian policy. Its powers are confined to a few matters such as the appropriation of Indian revenues or property, the dismissal of military and civil officers, and the rules for the Civil Service examination and for the appointment of persons in India to that service. In these matters a majority of the votes of the Council is necessary. In other matters the Council acts as an advisory authority. At least one meeting of the Council must be held every month. In case of difference of opinion on any question decided at a meeting of the Council, any member, who has been present at the meeting, may require that his opinions shall be entered in the minutes of the proceedings. The procedure for the sending of orders and communications to India is prescribed by the order of the Secretary of State in Council.

Influence of the Council of India.

Broadly speaking, the powers of the Council of India are limited and are mainly of an advisory nature. Indirectly, however, its influence has been very considerable. Although men such as Lord Lansdowne, Lord Northbrook, Lord Ripon, and Lord Curzon have been members of a Cabinet subsequent to a period of service in India, no Secretary of State for India as yet

has previously held office in India. He is therefore lacking in practical experience of the affairs he is called upon to administer, and must necessarily be influenced by the opinions of those members of his Council, English and Indian, who have spent the better part of their lives in the service of India.

There remains to be considered the actual relations between the Secretary of State and the Government of India. Legally, the position is quite clear as the Governor-General in Council is required to pay due obedience to all such orders as he may receive from the Secretary of State. In practice, the position must vary from time to time. Much depends upon the interest which Parliament happens to take in Indian affairs at a particular moment. If that interest is great, then the Secretary of State must exercise a strict control over the actions of the Government of India; if that interest be slight, then the Secretary of State may feel it wise to trust to the judgment of the Government of India. Then again, as Lord Chelmsford and Mr. Montagu have pointed out, "the relations between Simla and Whitehall vary with the personal equation. If resentment has been felt in India that there has been a tendency to treat Viceroys as the 'agents' of the British Government, it is fair to add that there have been periods when Viceroys have almost regarded Secretaries of State as the convenient mouth-piece of their policy in Parliament." Whatever be the practice—and the practice varies—it is right that the Secretary of State should exercise some measure of control over the Government of India. In the first place, he is responsible to the British Parliament. In the second place, owing to climatic and other reasons, there are frequent changes in the personnel of the Indian administration, the chief officers of which rarely hold office for more than five years. Some degree of continuity of policy is essential in every government, and all the more so in India where the people are disinclined to sudden and violent changes. The Secretary of State and the ex-

The Secretary of State and the Government of India.

perienced members of his Council are able in some degree to ensure this continuity of policy. And, in the third place, in the comparative absence of popular control, it is beneficial that the Government of India should be bound to explain their actions to a superior authority. Rulers who are exempted from this salutary practice may soon lapse into the unfortunate habit of thinking that, in any new measure, it is only necessary to convince themselves on its merits.

It has already been shown that, at the time of the Reforms Act of 1919, Parliament was willing in some degree to relax its control over Indian affairs. A clause was also inserted in the Act whereby the control of the Secretary of State could also be relaxed. This is done by means of rules and regulations drawn up under the Act. The rules regarding subjects other than the transferred subjects must be approved by both Houses of Parliament. The rules regarding the transferred subjects are to be laid before both Houses of Parliament, and it is open for either House, within the space of thirty days, to pray His Majesty that the rules or any part of them be annulled.

Relaxation of the Control by the Secretary of State.

There is yet another matter of importance to which some allusion is necessary—the question of Indian appointments. This was the rock on which the Coalition of Fox and North was wrecked; and Pitt wisely decided to leave the Indian patronage in the hands of the Company. In 1813, the appointment of the Governor-General, the Governors, and the Commander-in-Chief was made subject to the Crown.

Indian Appointments.

At the present day, the patronage of the Secretary of State is not great, even in his own office in Whitehall. He is assisted there by two under-secretaries, one a government official and the other a member of Parliament. It is customary that, if a Secretary of State is a member of the House of Lords, the parliamentary under-secretary should be a member of the House of Commons, and *vice versa.* At the present day, Mr. Montagu is a member of the House

of Commons and Lord Lytton is a member of the House of Lords. By this means there is a spokesman on Indian affairs in both Houses of Parliament. In 1858, the servants of the Board of Control and of the Court of Directors were re-engaged by the Secretary of State in his establishment known as the India Office. Admission to the upper-division clerkships is now regulated by the same rules and examinations as those for the Indian and Colonial Civil Services. The lower-grade posts, known as second-division clerkships and assistant clerkships, are filled by successful candidates in other competitive examinations. Within the office itself all promotions are settled by the Secretary of State, except that of the auditor, who is appointed by the Crown by a warrant countersigned by the Chancellor of the Exchequer.

The Secretary of State has little to do with appointments and promotions in India. The Governor-General is appointed by the Crown acting on the advice of the Prime Minister, but the Commander-in-Chief, the governors of provinces, and members of the Executive Councils are appointed by the Crown acting on the advice of the Secretary of State and of the Governor-General. The Ministers who are in charge of the transferred subjects in the several provinces are selected by the governor or head of the province concerned from among the elected members of the Legislative Council. The rules under which the judges of the High Courts are appointed will be explained later.

The Indian Civil Service.

In regard to important posts below that of a member of an Executive Council two things should be noted. In 1793 was constituted what was known as the Covenanted or Indian Civil Service, the members of which entered into covenants with the East India Company, binding themselves not to receive presents or to take part in trade; and for members of this service certain posts are reserved by statute. Admission to this service was gained by the nomination of the Directors until 1853, when the competitive system was introduced. The service was then made open to all British subjects, irrespective of race, caste, and religion. The regulations

in regard to the age and qualifications of the candidates, and the subjects prescribed for the examination, are made by the Secretary of State in Council, but any alterations in them must first be laid before Parliament. The examination itself is conducted by the Civil Service Commissioners. The system, on the whole, has worked admirably. All questions of promotion are left entirely to the Governments in India; and by this means the Civil Service is freed from the baneful influences of party politics, and from charges of nepotism and favouritism.

In past years, however, the system has caused some dissatisfaction in one respect. The number of Indians in the Indian Civil Service has been, and still is, very small. The fact that the examination has been held in London has prevented some from entering the service. In 1879, the Statutory Civil Service was instituted, which was open to Indians of proved merit and ability, who were nominated by the local Governments, subject to the approval of the Secretary of State in Council. This new system did not prove a success; and in 1887 another arrangement was made in accordance with suggestions made by the Public Service Commission, presided over by Sir Charles Aitchison, the Lieutenant-Governor of the Punjab. The Government service was then, and still is, divided into three divisions—the Indian Civil Service, the Provincial Service, and the Subordinate Service. Admission to the Provincial and Subordinate Services is in accordance with rules and regulations laid down by the Provincial Governments; and is usually by nomination from candidates possessing the necessary qualifications. Members of the Subordinate Service are eligible for promotion to the Provincial Service; and members of the Provincial Service are eligible for certain "listed" posts which are ordinarily reserved for members of the Indian Civil Service.

There are certain other services in India, such as the Public Works, Posts and Telegraphs, Forests, Education and Medical; and in each of these there are similar divisions. The Imperial Service is ordinarily recruited in England, in

some cases by examination, and in others by nomination by the Secretary of State. The majority of those appointed have been Europeans, but Indians are eligible and have been appointed.

Public Services Commission of 1912.

In 1912, a Public Services Commission was appointed by Royal Warrant, under the chairmanship of Lord Islington, who had recently been Governor of New Zealand, to inquire into the methods of recruitment, the conditions of service, the working of the existing systems of division of the services into Imperial and Provincial, and generally to consider the requirements of the public services. The report of the Commission was published in 1917. The Commission proposed that some of the services should be recruited entirely, and others partially, in India, and that the Indian element should be largely increased. It is now generally recognized that the proposals are inadequate to meet present requirements. The announcement of August 20, 1917, spoke of the necessity of an increasing association of Indians in every branch of the administration; the Parliamentary Committee emphasized the justice and wisdom of this principle; and Parliament agreed. The Secretary of State may, under the Act of 1919, make appointments to the Indian Civil Service of persons domiciled in India, in accordance with such rules as may be prescribed by the Secretary of State in Council with the concurrence of the majority of votes at a meeting of the Council of India. These rules are not in force until they have been laid for thirty days before both Houses of Parliament. A Public Service Commission has also been appointed to supervise the recruitment of the public services in India.

Position of the Civil Services.

Provision has been made under the Act of 1919 whereby the interests of the Civil Services are safeguarded. Every person in the Civil Service of the Crown in India holds office during His Majesty's pleasure and may not be dismissed by any authority subordinate to that by which he was appointed. It is probable that, with successive approaches towards responsible

government, the position of the services in relation to Government will gradually be altered. Hitherto, under the Indian system of government, the members of the services, and especially those of the Indian Civil Service, have taken a direct and leading part in the formulation of policy; but under responsible government that duty is under the control of Ministers who are responsible to the elected representatives of the people. It is possible also that some of the professional services will give place to men serving in a non-official capacity. In countries such as England, where responsible government flourishes, a leading part in public life is taken by members of the learned professions, teachers, doctors, engineers, and so forth; and it would be almost impossible for India to succeed along the path marked out for her if such men were lost to public life by being members of professional services.

nected with any particular province. Its headquarters continued to be at Calcutta, though since the time of Lord Lawrence it had been customary for the Governor-General and the chief officers of his Government to reside at Simla during the summer months. In 1912, the capital was removed from Calcutta to Delhi, which town and the surrounding country were placed under the control of a Chief Commissioner. In 1858, when the Government of India was transferred from the Company to the Crown, the Governor-General became known as the Viceroy, but in parliamentary documents the term Governor-General is still used.

Originally, the Governor-General was appointed by the Directors, but in 1813 the approval of the Crown became necessary. To-day, he is appointed by the Crown, acting on the advice of the Prime Minister; and the term of office is for five years. It has been laid down that the Governor-General should obey all such orders as he may receive from the Secretary of State. Apart from this restriction, his powers are very large. He is the representative of the Crown in India, the head of the administration, and, until the new reforms, the president of the legislature; and in him are placed the prerogatives of mercy and pardon.

His Council.

Under the Regulating Act the Governor-General was assisted by a Council of four members. The members of the Council were originally selected by the Directors, but are now appointed by the Crown, acting on the advice of the Secretary of State, and usually hold office for a period of five years. The size of the Council has changed from time to time. Pitt's Act provided for a Council of three members, one of whom was the Commander-in-Chief. In 1919, the Governor-General's Council consisted of eight members including the Viceroy and the Commander-in-Chief, the latter being an extraordinary member. The qualifications then necessary for membership are important. It was laid down by statute that three members should have served the Crown in India for ten years or more at the time of their appointment;

CHAPTER III.

THE VICEROY AND HIS COUNCIL.

"Never let it be forgotten that the Government of India is governed not by an individual, but by a committee. No important act can be taken without the assent of a majority of that committee."

LORD CURZON.

"The Viceroy is the leading member of the Indian Government, but he is only one of several members. Lord Mayo used to fight hard officially for his views, and, as a matter of fact, he got more of his own way than most Governors-General have done. But he was essentially loyal to his colleagues and upon all points on which they beat him or on which he once yielded, he forthwith accepted the joint action of the Government as his own."

SIR WILLIAM HUNTER.

"The Government of India has supreme and undivided authority, subject, of course, to the home Government. It is a unitary and not a federal Government. The local Governments are its agents, and they derive their various powers from it."

SIR T. W. HOLDERNESS.

The Governor-General.

BY the terms of the Regulating Act the Governor of Bengal was made Governor-General with controlling powers over the Governments of Madras and Bombay; and his authority was extended under Pitt's Act of 1784, and again in 1793. In 1833, the title of Governor-General of India was substituted for that of Governor-General of Bengal, but it was not until 1854 that the Governor-General was relieved of the direct responsibility for the government of Bengal on the appointment of a Lieutenant-Governor for that province. From that time onwards the Government of India has ceased to be con-

and that one should be a barrister of England or Ireland or a member of the Faculty of Advocates of Scotland of not less than five years' standing. In 1919, three members belonged to the Indian Civil Service; one had been a member of the Civil Service in London, but had not previously been connected with official life in India; the fifth was a barrister possessing the necessary qualifications; and the sixth was an Indian barrister.

Recent changes in the Council.

The effect of the new scheme of reform has been to reduce the rigidity of these qualifications. The Parliamentary Committee proposed, and Parliament agreed, that the limitation on the numbers of the Council should be removed; that three members should be public servants or ex-public servants who have had not less than ten years' experience in the service of the Crown in India; that one member should have definite legal qualifications, but these qualifications may be gained in India as well as in the United Kingdom; and that not less than three members of the Council should be Indians. The Committee also suggested that, in the course of time, the official members would probably be of Indian rather than of English extraction. There are now three Indian members of the Council.

Relations between the Governor-General and members of his Council.

Warren Hastings, the first Governor-General, was continually thwarted by the opposition of a majority on his Council, who used their power of overruling him on several occasions. To-day, the Governor-General is bound to abide by the decision of the majority on his Council, except on such matters as in his opinion concern "the safety, tranquillity, or interests of British India." This privilege is rarely used, but in 1879 Lord Lytton overruled his Council to abolish partially the import duty on English cotton goods. In such cases the dissenting members have the right to record the reasons for their disagreement, which are forwarded to the Secretary of State. The methods of "Council Government" have changed very much in recent times. In the olden days all matters

connected with the administration were discussed by the Council. "The system involved," says a former member of Council, "an amount of elaborate minute writing, which seems now hardly conceivable. Twenty years ago the Governor-General and his Council used to perform work which now would be disposed of by an under-secretary." Lord Dalhousie, whose time was engaged in the consideration of many matters of vast importance, came to the conclusion that the Governor-General could not possibly continue to work under such a system; and the Councils Act of 1861 permitted the Governor-General to make such rules and regulations as seemed to him necessary for the more convenient transaction of business. In accordance with this clause, Lord Canning assigned to each member of his Council the charge of a department, in the ordinary business of which he became the responsible chief. Matters of importance, however, were reserved for discussion at a meeting of the Council. In his *Life of Lord Mayo*, Sir William Hunter has given the following description of the way in which the work of the Council is carried out, and which still holds good generally to-day:

"Routine and ordinary matters were disposed of by the members of Council within whose department they fell. Papers of greater importance were sent, with the initiating member's opinion, to the Viceroy, who either concurred in or modified it. If the Viceroy concurred, the case generally ended, and the secretary worked up the member's note into a letter or a resolution, to be issued as the orders of the Governor-General in Council. But in matters of weight the Viceroy, even when concurring with the initiating member, often directed the papers to be circulated either to the whole Council, or to certain of the members whose views he might think it expedient to obtain on the question. In cases in which he did not concur with the initiating member's views, the papers were generally circulated to all other members, or the Governor-General ordered them to be brought up in Council. Urgent business was submitted to the Governor-General direct by the secretary of the

department under which it fell; and the Viceroy either initiated the order himself, or sent the case for initiation to the Member of Council at the Head of the Department to which it belonged."

Foreign Department.

The Foreign and Political Department supervises such foreign relations as come within the scope of the Government of India; and also the governments of the Native States in a varying degree. [1] "The maximum of sovereignty enjoyed by any of the rulers of the Native States is represented by a prince like the Nizam of Hyderabad, who coins money, taxes his subjects, and inflicts punishment without appeal. The minimum of sovereignty is represented by a lord of a few acres in Kathiawar, who enjoys immunity from British taxation and exercises some shadow of individual authority." The representatives of the Foreign Department in Native States are known as Residents or Agents, and are selected usually from members of the Indian Civil Service or from military officers who are members of the Political Department. The supervision of such matters connected with the Native States as the Chiefs' Colleges and the Imperial Service Troops also rests with this office. The Foreign Department also assumes control of the North-West Frontier Province, Ajmer-Merwara, and British Baluchistan.

The Home Department and Education.

The Home Department supervises the general administration of British India in matters affecting the Indian Civil Service, internal politics, jails, police, the Civil Medical Service, law and justice, and courts. In 1910 a new Member of Council was appointed to supervise the important departments of education, sanitation, and local self-government.

Revenue and Agriculture.

The Department of Revenue and Agriculture deals very largely with questions connected with the land. As will be seen later, a large portion of the Indian revenues is derived from the land in the shape of land revenue or rent, which is paid to the Government. It is the work of this department to supervise the collection

[1] Ilbert, *The Government of India*, p. 139.

of this money, and to see that the assessments are made on the best and most equitable basis. Other important duties are to supervise the arrangements made by the provincial Governments for famine relief, and to encourage the development of scientific agriculture and of forestry. The management of Public Works also comes under the supervision of this Department.

In 1833, arrangements were made for the appointment of a new Member of Council, and in the following year Macaulay arrived in India as the first Law Member. The duties of this official are to assist in the drafting of Bills which are to be submitted to the Legislative Council and to advise the Government on all matters connected with legal affairs.

Law Member.

In a later chapter it will be seen that many of the functions of the Finance Member have been transferred to the provincial, municipal, and local authorities, but he still keeps the entire management of certain departments in his own hands. Matters connected with the defence forces of the Empire, the public debt, the mint, customs, tribute from Native States, post office and telegraphs and opium are under the management of the central authority.

Finance Member.

In years past the Government of India was somewhat out of touch with the commercial world, and "a barrier of mistrust on the one hand and of contempt on the other hand had arisen between the commercial and official circles." Lord Curzon "was the first Viceroy to make it thoroughly clear to business men that he meant to help them, and that he regarded them as an integral part of the fabric of the Indian Empire." The Chambers of Commerce in the different business centres have afforded some means by which the Government can find out the views of business people on matters connected with the trade of the country, but Lord Curzon's Government went further by the institution of a new Department of Commerce and Industry,[1] to the Head of which a seat

Commerce and Industry.

[1] There are now separate Departments of Commerce and Industry.

on the Executive Council was given. His duties are manifold. The supervision of all industrial projects in India, the collection and distribution of commercial intelligence, the management of the post office and telegraphs, customs, ports and merchant shipping, mining and factories are all committed to his charge. The control of the railways and the development of a railway policy was at the same time handed over to a Railway Board, consisting of three members, who are represented on the Viceroy's Council by the Member for Commerce and Industry. The department is also expected to regulate the trade of the country, and to interfere, when necessary, in the interests of health and humanity. The inspection of labour and factories was formerly somewhat slack, and consequently a Bill was passed by the Imperial Council insisting upon the limitation of the hours of work, a more efficient inspection of factories, and provisions preventing women and young children doing certain kinds of work. The conditions of labour in India, and especially the housing of the working classes in mills and factories are, however, still matters which cause grave concern. This is especially the case in Bombay, where social improvements have not kept pace with industrial development.

Secretariat Officials.

At the head of each department is the Member, and below him are the secretary, the under and the assistant secretaries, and the ordinary clerical establishments. The subordinate staff are men permanently connected with the department. Except in the Public Works Department the secretaries and the under-secretaries are members of the Indian Civil Service. The Government of India has no special civil service of its own, but the services of officers serving under the provincial Governments are borrowed by the Government of India. The period for holding secretariat appointments under the Government of India is usually limited to three years.

In the previous chapter the relations between Parliament and the Secretary of State with the Government of India have been analysed. It is now necessary to consider the

relations between the Government of India and the provincial Governments in India. The Parliamentary Committee wrote that India is not ripe for a true federal system; and Lord Chelmsford and Mr. Montagu were even more emphatic in their report.[1] A federal constitution is a compromise whereby a number of States agree to unite for purposes of common interest and of common defence, and therefore surrender some of their powers to a new Central Government. The powers not so surrendered remain as before under the control of the original States, and the exercise of these powers is not subject even to the supervision of the Central Government. There are different types of a federal constitution, varying with the desire of the several States for unity. In Australia, for example, owing to the wide distances between them and to their past traditions, the States are in favour of preserving as far as possible the independence of each and of avoiding undue centralization. The Central Government of the Commonwealth of Australia therefore possesses only those powers which are named in the Commonwealth of Australia Act and which are required for purposes such as common defence; and all the powers not so named are vested in the States, in the exercise of which the Central Government has no concern. In South Africa a more unitary form of government has been adopted. This was due to the fact that, owing to racial and provincial rivalries, the bond between the States was so slender that it was necessary to strengthen that bond as much as possible. Each of the four contracting States therefore surrendered nearly all its powers to the Central Government known as the Union of South Africa. The provincial Governments in South Africa have therefore very few powers, and these are connected chiefly with the management of primary and secondary education, matters in which owing to linguistic differences the States felt that they could not surrender their existing rights. The Canadian constitution stands midway between those of Australia and South Africa. In

Government of India, a unitary Government.

[1] Page 78.

that country the Dominion Parliament possesses all powers except those definitely handed over by Act to the provincial Governments.

In India the position is different. Originally, as has been shown, the three Presidency Governments possessed similar powers, and there was no Government of India. But in 1773 the Governments of Madras and Bombay were placed under the general supervision of the Governor-General of Bengal, who later became the Governor-General of India. The Governments of Madras and Bombay, and those which have been constituted later, have therefore no rights to surrender, as had the States of Australia, South Africa, and Canada at the time of their respective unions. The position is therefore radically different. In the three Dominions the process has been for the provinces to give and for the Central Government to receive; but in India it is for the Government of India to give and for the provinces to receive.

In past years it has been the practice of the Government of India, with the consent of the Secretary of State, to delegate certain duties and powers to the provincial Governments. In other words, the provincial authorities have acted as the agents of the Government of India in certain matters. The Government of India retained in its own hands, subject to the control of the Secretary of State and of Parliament, the duties connected with the defence of the country, general taxation, currency, debt, tariff, posts and telegraphs, railways, and the auditing of accounts. Ordinary internal administration, such as police, civil and criminal justice, prisons, the assessment and collection of the revenues, education, medical and sanitary arrangements, buildings and roads, forests, and the control over municipal and district boards were delegated to the provincial Governments. But even in these matters the Government of India has exercised a general and constant supervision. It has laid down the lines of general policy and tested their application from the administration reports and returns relating to the departments under the provincial Governments. It has employed expert officers to inspect and advise upon a

number of departments which are primarily administered by the provincial Governments.[1]

In 1907 the Royal Commission upon Decentralization in India was appointed under the chairmanship of Mr. Hobhouse. One of its members was Mr. Romesh Chunder Dutt, a retired civil servant, who had been a Commissioner in Bengal, and was at the time acting as Diwan in the Baroda State. The findings of the Commission and the evidence of witnesses are published in a big volume, which affords most interesting reading to the student of Indian administration. Various suggestions were made, many of which are gradually being carried into effect.

Decentralization.

As to the merits of the policy of decentralization, Sir John Strachey speaks very strongly. "The policy of the Government of India is not to interfere unnecessarily with the details of provincial administration. The fact is recognized that the provincial Governments possess more knowledge of local requirements and conditions than any in which the distant authorities of the Central Government can pretend."[2]

We may now return to the statement of the Parliamentary Committee that India is not yet ripe for a true federal system. The growth of the federal system must await the growth of self-governing institutions in the provinces. Unrestricted power in the hands of a provincial executive authority is a dangerous weapon. The official control of the Government of India, therefore, is inevitable until it is adequately replaced by popular control in the provinces. As the Secretary of State must explain his actions to Parliament and as the Government of India must explain its actions to the Secretary of State, so in like manner must the provincial Governments explain their actions to the

Increased delegation of power to the provincial Governments.

[1] The legislative and financial control exercised by the Government of India over provincial Governments is discussed in greater detail in subsequent chapters.

[2] *India; Its Administration and Progress*, Strachey, p. 72.

Government of India. The object of the new reforms is gradually to substitute the local and popular control of the provincial legislatures for the distant and official control of the Government of India in a number of departments of public work. Until this process can be carried into effect, and until the responsible authorities in the provinces, the Ministers and the legislatures, have become accustomed to their new responsibilities, the Government of India, according to the Parliamentary Committee, "cannot be relegated to functions of mere inspection and advice." The Government of India must retain, for the present at any rate, certain powers of correction and of initiative. But, in order to give as full a scope as possible to the growth of responsibility in the provinces, the Committee trusted that there would be an extensive delegation to the provincial Governments of powers and duties now in the hands of the Government of India; and also that the control of that Government over provincial matters would be exercised with a view to preparing the provinces for the gradual transfer of powers to the provincial Governments and legislatures. The rules and regulations drawn up under the Act of 1919 are such as to give the fullest scope to the intentions of the Parliamentary Committee in this respect. The powers of superintendence, direction, and control over the provincial Governments vested in the Governor-General in Council, in relation to the transferred subjects, are only to be exercised to safeguard the administration of central subjects and to decide questions arising between two provinces, in cases where the provinces concerned fail to arrive at an agreement.

There is another consideration of importance in this connection. There may be in the future, with the progressive development of self-governing institutions in the provinces, a tendency towards the growth of federalism by which the provinces will have *complete* responsibility over certain matters of internal importance; but, whatever be the form of advance, there will always remain a need for a strong Central Government

The need for a Central Government.

in India. In spite of differences of caste, race, and creed, India is one country and therefore needs a Central Government. Otherwise, the connecting link between the provinces may be snapped with disastrous consequences. In the United States of America, where there have always been racial and religious differences, there is a Central Government to compose those differences and to weld together the resources of the whole country. In Europe there used to be a loose form of Central Government, called the Holy Roman Empire, whose objects were somewhat similar. But, with the decay of that Empire, there has not been substituted any super-national authority. The Holy Alliance and the Concert of Europe of the nineteenth century, and the new League of Nations with a wider scope beyond the limits of Europe, have indicated the need of some such authority. But the absence of this authority in the past has led to the most disastrous wars and strife. Is India to walk in the steps of the United States of America or in those of the Disunited States of Europe? If the former is to be her destiny, then the transfer—apart from delegation—of powers to the provincial Governments must be made with care; and in any case there should always be a Government of India administering departments such as those of defence and railways by virtue of its own undivided authority.

Changes in the Government of India.

Lord Chelmsford and Mr. Montagu hoped that, with the increasing authority of provincial Governments in matters which come within their scope, and with a corresponding relaxation of the control by the Secretary of State, the Government of India would have more time for conducting those affairs which apply to India as a whole, and which are now known as "central subjects." In these matters the Government of India should remain, for a time at any rate, responsible only to Parliament and, saving that responsibility, should retain indisputable power. At the same time, Lord Chelmsford and Mr. Montagu realized that steps should also be taken to bring the Government of India into closer contact with

the people. For this reason, therefore, the Government of India is now associated with a more representative and popular assembly which should present accurately and regularly the wishes of the people and also supply helpful criticism of the actions of Government. The constitution and scope of this assembly will be discussed in a later chapter. It has already been shown that the Indian element in the Executive Council of the Governor-General has been increased by one to three members.

CHAPTER IV.

PROVINCIAL GOVERNMENTS.

"What you want is to decentralise your Government. You will not make a single step towards the improvement of India unless you change your whole system of Government—unless you give to each Presidency a Government with more independent powers than are now possessed."

JOHN BRIGHT.

"Invested as you are with all the powers of Government over all parts of India, and responsible for good Government in them all, you are to consider to what extent, and in what particulars, the powers of Government can be best exercised by the local authorities, and to what extent, or in what particulars, they are likely to be best exercised when retained in your own hands."

DISPATCH FROM COURT OF DIRECTORS TO THE GOVERNMENT OF INDIA, 1834.

"Future policy should be directed to steadily enlarging the spheres of detailed administration entrusted to Provincial Governments and the authorities subordinate to them, and of recognizing that they must definitely dispose of an increasing share in the ordinary work of Government."

REPORT OF THE DECENTRALIZATION COMMITTEE.

BRITISH India is divided into provinces. In 1918 there were the following fifteen provinces :

The Indian Provinces.

1. The Presidencies or Governorships of Madras, Bombay, and Bengal.
2. The Lieutenant-Governorships of the United Provinces of Agra and Oudh, the Punjab, Burma, and Bihar and Orissa.
3. The Chief-Commissionerships of the Central Provinces, Assam, North-West Frontier Province, and Delhi.

4. British Baluchistan, Ajmer-Merwara, Coorg, and the Andaman Isles.

In the olden days there was a wide distinction between what were known as the "Regulation" and "Non-regulation" provinces. The former consisted of Bengal, Madras, Bombay, and Agra, the remaining provinces including Oudh and Sind being "Non-regulation." The Regulation provinces were administered under "regulations" or laws passed by the Government in accordance with the Charter Acts, but it was found that a different system of government was necessary for the less advanced districts which had only recently come under British rule. The "Non-regulation" provinces "were generally ruled in accordance with simple codes, based on the spirit of the regulations, but modified to suit the circumstances of each special case." This system on the whole answered well, and in many cases the government of the Non-regulation proved more suitable than that of the Regulation provinces. The distinction between the two types of province has practically disappeared, in particular since the acceptance of the recent reforms. But it is useful to remember that the executive head of a district is called a Deputy-Commissioner in the Non-regulation provinces and a Collector in the Regulation provinces; and that some of the posts reserved in the Regulation provinces for members of the Indian Civil Service are open in the Non-regulation provinces to military officers and to others possessing suitable qualifications.

Regulation and Non-regulation Provinces.

The provinces of Madras and Bombay are called Presidencies (as also is Bengal) because in the early days they were governed by Presidents in Council, and were originally independent of Bengal. In 1839, Aden was captured by the British troops, and is now controlled by the Bombay Government. Four years later Sind was conquered by Sir Charles Napier, and was soon merged into the Bombay Presidency. The provinces of Madras and Bombay are of particular interest for two reasons. First, because they have been subject for very

Madras and Bombay.

many years to the rule of a Governor, usually a man of high rank and of ample experience gained outside India. Secondly, because the Governor has been associated with a Council, the members of which have also been appointed by the Crown, acting on the advice of the Secretary of State. In 1833, the number of Councillors was three, but was subsequently reduced to two. Until the year 1893, the Commanders-in-Chief of the Madras and Bombay armies were appointed extraordinary members of their respective Councils, but this practice ceased with the abolition of those posts, owing to certain changes in the organization of the Army. Under the Councils Act of 1909, permission was granted to increase the number to a maximum of four, of whom two at least should have served in India under the Crown for twelve years or more at the time of their appointments. At the time of the recent reforms, in both provinces the Council consisted of three members besides the Governor, two in each case being members of the Indian Civil Service, and the third an Indian. The Members of Council held portfolios and were responsible for the general supervision of departments entrusted to their care, only matters of importance being brought before the whole Council.

Bengal.

The administrative history of the Presidency of Bengal requires considerable explanation, as it is somewhat complicated. Geographically, the name of Bengal is applied to the deltas of the Ganges and the Brahmaputra, which are inhabited by Bengali-speaking people, but it has politically a far wider scope. Originally, the Bengal administration was confined to the factories and settlements grouped around Calcutta. The neighbouring provinces of Bihar and Orissa were added at the time when the Mogul bestowed the Diwani on the East India Company; and latterly the British conquests in north-western India have been brought within the same fold. Under the Regulating Act the Governor of Bengal became the Governor-General of Bengal, with certain powers over the other provinces. As time went on, and the boundaries of Bengal were enlarged by successive conquests, the responsibilities

of the Governor-General became too great. It was impossible for him to conduct the administration of a large province as well as to control the destinies of British India. In 1833 the partition of Bengal was first mooted. At first it was arranged that there should be a Governor in Council for the new province of Agra, but the appointment was never made. Shortly afterwards, however, Agra was placed under a Lieutenant-Governor. In 1877, Oudh was amalgamated with Agra, and called the North-Western Provinces. As further territory to the north-west was added to the British Dominions in India, the name was changed to that of the United Provinces of Agra and Oudh. After the first Sikh War in 1846, the eastern portion of the Punjab was annexed, and the western part was added three years later. In 1859, the Punjab, together with Delhi and the surrounding country which were transferred from the North-Western Provinces, was placed under the rule of the Lieutenant-Governor of the Punjab. In very recent years further changes have been made in the boundaries of the Punjab. Certain districts were handed over to the North-West Frontier Province, which was formed in 1901; and in consequence of the change of capital, Delhi and the surrounding country have been transferred to a Chief Commissioner.

In the meantime, Bengal itself had been subjected to further changes. In 1853, the Governor-General of India was relieved of all direct responsibility for the administration of Bengal, and a Lieutenant-Governor was appointed for that province. In 1905, further partition being considered necessary, Assam, with a large portion of Bengal was made into the new province of Eastern Bengal and Assam under the rule of a Lieutenant-Governor. The arrangement was not favourable to the wishes of many inhabitants of the provinces concerned, and in 1911, at the time of the transference of the capital from Calcutta to Delhi, the King-Emperor made a proclamation that the previous partition should be revised, and that a different division of Bengal would be made. In consequence, Assam

became again a Chief Commissionership, a new Lieutenant-Governorship was formed for Bihar and Orissa, and the remaining portions of the old provinces were placed under the charge of a Governor-in-Council, who was given privileges and powers very similar to those of Madras and Bombay.

Lieutenant-Governors.

The Lieutenant-Governors of the United Provinces, the Punjab, Burma, and Bihar and Orissa were bound by statute to have served the Crown in India for ten years or more at the time of appointment; and were members of the Indian Civil Service. There was thus a wide difference between Governors and Lieutenant-Governors, the former having had no previous Indian experience and the latter having had no previous experience except Indian experience. It was not considered necessary therefore at first to associate the Lieutenant-Governors with Executive Councils, but with the growth of popular institutions opinion began to change. The Councils Act of 1909 as first presented to Parliament gave the right to the Governor-General in Council, with the consent of the Secretary of State, to frame regulations for the appointment of Executive Councils for provinces ruled by Lieutenant-Governors. The House of Lords rejected this clause, but after consultation between the leaders of the two political parties a compromise was eventually arrived at by which the Governor-General was empowered to create an Executive Council for Bengal, but in the case of the other provinces concerned the draft regulation appointing the Executive Council should be laid before each House of Parliament for not less than sixty days during the session, and either House could prevent the regulation coming into force by an address presented by a majority of its members. In 1912, arrangements were made for a Council in Bihar and Orissa, but the Government chose to constitute it by a special Act of Parliament. A short time later a proposal to constitute an Executive Council in the United Provinces was rejected by the House of Lords.

There have also been for some time Chief Commissioners who administer territory on behalf of the Governor-General in Council. In 1861, a Chief Commissioner was appointed for the Central Provinces; and in 1903 Berar, which had been purchased from the Nizam, was added to the territories under his control. Assam was originally a Chief Commissionership, then for a few years a part of the province of Eastern Bengal and Assam, and in 1911 a Chief Commissionership once again. The North-West Frontier Province is under a Chief Commissioner who also assists the Governor-General in dealing with the frontier tribes. British Baluchistan and Ajmer-Merwara are controlled by the Agents to the Governor-General in Baluchistan and Rajputana respectively; and Coorg is administered by the Resident of Mysore. Delhi is placed under a Chief Commissioner. The Superintendent of the Penal Settlement of Port Blair is in charge of the Andaman Isles.

Chief Commissioners.

The discussions preceding the recent reforms brought into prominence two matters concerning the provincial Governments—the desire for governors instead of lieutenant-governors and chief commissioners; and the desire for Executive Councils. Accordingly, the Act of 1919 provides that, in addition to the Presidencies of Bengal, Madras, and Bombay, the provinces of the United Provinces, the Punjab, Bihar and Orissa, the Central Provinces, and Assam shall each have a Governor in Council and be known as "Governors' provinces." The Parliamentary Committee did not desire to lay down any rigid rule in regard to the size of these Councils. It suggested that in the smaller provinces two members, besides the head of the province, would probably be sufficient; and that in the larger provinces, if the Council included two members with service qualifications, neither of whom was an Indian by birth, it should also include a similar number of non-official Indians. The Act therefore provides that the maximum number of members shall be four, one *at least* of whom shall have served the Crown in India for at least twelve years at the time of his appointment.

Recent changes.

The Act also makes provision for Lieutenant-Governorships and Chief-Commissionerships. The Governor-General in Council, with the consent of the Secretary of State in Council, may create a council in any province under a lieutenant-governor. Provision is also made whereby the Governor-General in Council, with the previous sanction of the Secretary of State in Council, may alter the boundaries of any of the provinces into which British India is for the time being divided.

Recent changes: Diarchy.

Lord Chelmsford and Mr. Montagu, the Parliamentary Committee, and Parliament itself have all agreed that it is within the sphere of the provincial Governments that the experiment of introducing responsible government to India by successive stages can best be begun. It has already been shown that though the provincial Governments are still regarded as the agents of the Government of India, they are now released in practice from much of the control which used to be exercised by the Government of India in the departments of work committed to their charge. But it has been decided to go further than this. The domain of the provincial Governments has been divided into two fields, one of which is made over to Ministers chosen by the Governor from among the elected members of the provincial legislature, while the other remains under the administration of the Governor and the Members of his Executive Council. In no province will there be need for less than two Ministers, while in some of the larger provinces more will be required. The Members will have charge of what are known as the "reserved" subjects; and the Ministers will administer the "transferred" subjects, prominent among which are those of education and sanitation. The transferred subjects are ordinarily those which afford most opportunity for local knowledge and social service, those in which Indians have shown themselves to be keenly interested, those which stand in most need of development.

The position of a Minister is full of difficulty, but at the same time it is full of scope for the development of respon-

sible government in India. He is responsible for his actions to the Legislative Council and therefore needs the support of a majority of its members. He thus holds a position similar in many respects to that of a Cabinet Minister in England, who is responsible to Parliament. The Parliamentary Committee hoped that, without violating his sense of responsibility, the Minister would be given every possible assistance. In the first place there is the Governor, whose duty it is to point out to Ministers what he thinks is the right course and to warn them if he thinks that they are taking the wrong course. If, after discussion, the difference of opinion between the Governor and a Minister is not removed, the Parliamentary Committee held that ordinarily the Minister should be allowed to carry out his ideas and to shoulder the responsibility for them. The Legislative Council, and ultimately the people, will thus know the person who should receive censure or support. If the difference of opinion between the Governor and the Minister is considered by either to be of first-rate importance, the position is again quite clear. The Minister can resign if his advice is not accepted by the Governor; and the Governor can dismiss the Minister or veto his legislation if he feels that his policy is gravely at fault or is out of accord with the views of the legislative council. It will then be for the members of the legislative council and, in the long run, the electors at the next election, to decide between them. Ministers also have the assistance of the advice and experience of the members of the Executive Council. For this purpose it is the Governor's duty to grant opportunities for joint deliberation between the Members of the Executive Council and the Ministers. Such deliberation should be of value to both parties. The Ministers should be in a position to state public opinion on a given matter, and Members should be able to supply the administrative experience. But, after deliberation, Members have the deciding voice on questions connected with their work, and Ministers likewise make the decision on questions which come within their scope. Two prin-

Position of Ministers.

ciples thus lie at the root of this experiment. In the first place there is abundant opportunity for discussion and co-operation between Ministers and Members; without it there must inevitably be friction and even failure. In the second place, the responsibility of Ministers to the Legislative Council is fixed as clearly as possible. Responsibility is the savour of popular government. The electors must remember that it is their duty as citizens to return the most suitable representatives to the Legislative Council; the members of the Legislative Council must remember that in making suggestions and criticism they may be called upon one day to become Ministers and to give practical effect to their opinions; and Ministers must remember that, in framing their policy, they must convince the majority of the Legislative Council on its wisdom.

Provincial Secretariats.

At the headquarters of each province are the Government offices, or, as they are more generally known in India, the Secretariat. The work of the administration is divided among certain departments, over each of which presides a secretary, who is responsible either to a Member of Council or to a Minister. The secretaries and the under-secretaries are usually drawn from members of the Indian Civil Service. Each secretary holds office, as a rule, for a period not exceeding three years, as it is not considered desirable for a civilian to spend all his time at headquarters instead of in the districts, and it is also probable that at the end of such a period he will be promoted to a higher post. In each department there is also an assistant secretary, who is a departmental officer, and does not belong to the Indian Civil Service. Below the secretaries are the members of the subordinate and clerical staff, who are attached permanently to the Secretariat.

CHAPTER V.

DISTRICT ADMINISTRATION.

"That is the mission with which we have to charge you, and it is as momentous a mission as was ever confided to any great Military Commanders or Admirals of the Fleet. This mission of yours is to place yourself in touch with the people you have to govern."

LORD MORLEY, "Speech to Indian Probationers."

"The principle I adopted for the civil administration was to preserve unimpaired the practice which I found established."

MOUNTSTUART ELPHINSTONE.

"The average size of a district is 4,430 square miles, or three-fourths the size of Yorkshire. Many are much bigger. Mymensingh district holds more human souls than Switzerland. Vizagapatam district, both in area and population, exceeds Denmark. In the United Provinces, where districts are small and the population dense, each collector is on the average in charge of an area as large as Norfolk and of a population as large as that of New Zealand. The Commissioner of the Tirhut division looks after far more people than the Government of Canada."

MONTAGU-CHELMSFORD REPORT.

District Officials.

THE backbone of the British Administration in India is the District Officer, known as the Collector in the Regulation and the Deputy-Commissioner in the Non-regulation provinces. A district varies very much in size in different parts of the country, but its average extent is about 5000 square miles, with a population of nearly a million inhabitants. The District Officer is usually a member of the Indian Civil Service, but in the Non-regulation provinces there are still some military and other officers serving in that capacity; and there are a certain number who have been appointed from the Provincial

Service to the 'listed' posts. There is good ground for saying that the whole life of a district corresponds very largely with the strength or weakness of its District Officer. Under the District Officer are Assistant Collectors, who are members of the Indian Civil Service, Deputy Collectors belonging to the Provincial Service, and the subordinate officials, known in some provinces as Tahsildars and in others as Mamlatdars, each of whom has a Taluka, or a group of villages, under his charge. These latter officials have on a small scale much the same duties as the District Officer, to whom they are responsible. They are chosen in some cases by the Commissioners, and in others by the Board of Revenue. They are in touch again with the village officials.

The Indian village communities have existed from very ancient times, and still play a very prominent part in the social life of the country. In Northern India the villages are usually in the hands of zemindars or landowners, but in certain other parts of the country the land is tilled by individual owners, though there are certain tracts set apart for grazing in the common interest. Mountstuart Elphinstone, in writing a report on the territories conquered from the Peshwa, has given the following account of the Mahratta village:

The Village Communities.

"In whatever point of view we examine the Native Government in the Deccan, the first and most important feature is the division into villages and townships. These communities contain in miniature all the material of a State within themselves, and are almost sufficient to protect their members, if all other Governments were withdrawn. Though probably not compatible with a very good form of government, they are an excellent remedy for the imperfections of a bad one; they prevent the bad effects of its negligence and weakness; and even present some barrier against its tyranny and rapacity."

In villages there are certain officials, whose duties are much the same in all parts of India. The "headman" of the village is called the "Patel," who collects the revenue,

and in some provinces is responsible for the maintenance of peace and order. The accountant who keeps the land records of the village is called the "Patwari" in the north and the "Kulkarni" in the west. Lastly, there is the Chaukidar or watchman, whose duties vary in the different provinces. He is very largely a policeman, who keeps his superior officers informed of the whereabouts and doings of suspicious characters.

Village Officials.

Except in Madras, there are in all provinces Commissioners of Division, who hold a position intermediate between the Collectors and the headquarters staff. These officers have no judicial duties, but are concerned chiefly with the collection of revenue and with all questions intimately concerned with the land; and they have supervisory powers in ordinary executive matters over such Collectors as may be in their division. The Commissioner in Sind holds a peculiar position, which has somewhat aptly been described as that of a minor local administration under a major local Government. This means that the Bombay Government has delegated certain of its executive functions to the Commissioner in Sind, who thus holds a stronger position than the other Commissioners in the Presidency.

Commissioners of Divisions.

Though he is the representative of the central administration, and is subject to its orders, the District Officer has to depend in most instances on his own initiative. It is difficult for officers at headquarters to deal with matters requiring a personal knowledge, and the decision is usually left, and rightly, to the District Officer. His duties are manifold. As the title "Collector"[1] suggests, he is the chief revenue officer of the district, and is responsible for the collection of the land revenue and other taxes, and also for the maintenance of land records and registers. He is also a magistrate, and, subject to appeal, is responsible for the effective and prompt administration of criminal justice; and he is in charge of the various departments of public interest. There reside

The District Officer.

[1] In certain provinces he is called the Deputy Commissioner.

at his headquarters officials of other departments, such as the Superintendent of Police, the Executive Engineer, and the Civil Surgeon; and in certain districts an Inspector of Schools and a Forest Officer. These officials receive orders each from his own superior officer at headquarters, but all matters of importance are laid before the District Officer, who has powers of supervision over all work done in his district. Sir William Hunter has spoken of the duties and responsibilities of the District Officer in the following words:

"He is a fiscal officer charged with the collection of the revenue from the land and other sources; he is also a Revenue and Criminal Judge both of first instance and in appeal. But his title by no means exhausts his multifarious duties. He does in his small local sphere all that the Home Secretary does in England, and a great deal more, for he is the representative of a paternal and not of a constitutional Government. Police, jails, education, municipalities, roads, sanitation, dispensaries, local taxation, and the imperial revenues of his district are to him matters of daily concern. He is expected to make himself acquainted with every phase of the social life of the natives, and with each natural aspect of the country. He should be a lawyer, an accountant, a financier, and a ready-writer of State papers. He ought also to possess no mean knowledge of agriculture, political economy, and engineering."

The District Officer resides for the greater part of the year at his headquarters, but tours round his district during the cold weather. Great importance is attached Tours.
to the value of these tours. In a country such as India the personal equation enters very largely into the success or failure of the administration. The people have always been accustomed to offer petitions to their rulers, and to acquaint them personally with their needs or any causes of discontent. Those in authority, on the other hand, and especially those belonging to an alien race, need to know the people personally and the conditions of life under which they live. Moreover, the administrative duties

are carried out very largely by subordinate officials, whose work needs constant supervision. Accounts have to be examined, and questions asked as to delay or mistakes in the transaction of the ordinary business. Both these objects can be attained by a District Officer during his tours in the cold weather.

More need not be said here of the work of the District Officer, but reference will constantly be made to this subject, and a more detailed account of the various sides of his work will be given in subsequent chapters. The collection of the land revenue will be dealt with in the chapter on Land Revenue; the local administration of justice will form a part of the chapter on the judicature; and the story of education, public works, medical relief and sanitation, and police and jails will be narrated in the chapters devoted to the work of each of these departments. It is only necessary at present to emphasize yet again the importance of the District Officer in the work of the Indian Administration.

There are, finally, certain questions of general interest connected with the District Officer to which some passing reference is necessary. The foregoing remarks may lead the reader to think that the District Officer is an irresponsible official, but this is far from being the case. "Lions, but lions under the throne," was the dictum of Bacon in regard to the position of the judges in his time, and this is in some respect true in the case of the District Officer. He has considerable powers, but these powers are limited by the rules laid down by Government for his guidance. He is provided with handbooks, which lay down in the most precise manner possible the conditions under which he is to administer his district. A District Officer has also to submit every year to his superior officer a report dealing with the administration of his district. These reports do not consist merely of a dry statement of facts and statistics, but the District Officer is expected to give his opinion as to the position of things in general, and to make suggestions for any improve-

The District Officer's responsibilities.

ments that may seem to him necessary. There is also the Commissioner to be taken into account, through whom correspondence between the District Officer and the Government passes. Public opinion may be voiced directly through the Municipalities or the Local Boards, the nature of which will be explained in the next chapter.

Separation of the Judicial and Executive functions.

It will also be seen that, to some extent, judicial and executive functions are vested in the District Officer, who is responsible for the carrying out of justice, as well as the usual administrative duties. Shortly after the grant of the Diwani, Hastings placed the administration of justice in the hands of the Executive Officer or the Collector, and this system has been maintained, with certain alterations, until the present day. Critics of the Indian Governments emphasize very strongly the need of separating the judicial and executive powers, and insist that justice cannot be administered satisfactorily until this is done. The present system, undoubtedly, is not ideal, but it is maintained that it is the best possible for a country such as India. It should be remembered that the administration of civil justice is in the hands of the judiciary, which is represented in the Districts by the District Judge. In the next place, the Collector is by no means omnipotent as a criminal magistrate, and the District Judge on the one hand, and the High Court on the other have powers of supervision over what is done in the Magistrate's Court; and the duties of the Collector are so manifold that he cannot spend much of his time in the courts. A knowledge of the people and of the customs of the country is an essential for the prompt and efficient administration of justice, and these qualities should be possessed by the District Officer and his subordinates. "The Indian people," said Sir Henry Lawrence, "like all people under the sun, prefer justice to law." There is a great need of speedy and prompt justice, which should be gained in a case tried by the District Officer rather than in one where the lawyer might be involved in petty legal subtleties, wholly unsuitable to the ways of the people.

The demands of economy also enter into the question, and the multiplication of officials would make serious inroads on the public purse. Still, the question is difficult, and has received from time to time the most serious consideration of Government.

CHAPTER VI.

MUNICIPALITIES AND LOCAL BOARDS.

"Local assemblies of citizens constitute the strength of nations. Town meetings are to liberty what primary schools are to science; they bring it within the people's reach; they teach men how to use and how to enjoy it. A nation may establish a system of free government, but without the spirit of municipal institutions it cannot have the spirit of liberty." DE TOCQUEVILLE.

"The cardinal principle, which is essential to the success of self-government in any shape is this, that the jurisdiction of the primary boards must be so limited in area as to ensure both local knowledge and local interest on the part of each of the members."

RESOLUTION OF THE GOVERNOR-GENERAL (LORD RIPON) IN COUNCIL, 1882.

THE introduction of municipal and local self-government into India is of recent origin, and its progress has been slow and fraught with many difficulties and disappointments. A Corporation and a Mayor's Court were established first of all in Madras in 1687, and at a later date in Calcutta and Bombay. At first the functions of the Corporation were very largely judicial, but in the course of time administrative duties were entrusted to its care, and permission was given to raise the necessary taxes within the municipal area.

Municipalities of the Presidency towns.

The Corporations of the three Presidency towns occupy a special position, and are constituted under special Acts. In Calcutta the Municipality used to consist of a nominated chairman and seventy-five councillors, of whom two-thirds

were elected. In 1899 it was found that though certain improvements had been made, the city was in a very insanitary state and that vast changes were necessary. A new constitution was then drawn up, whereby the councillors were reduced in number to fifty, of whom one-half are elected and the remainder nominated by the Government and other public bodies; and the chairman, who is the chief executive officer, is also nominated by the Government. In Madras only eight of the councillors and the President are nominated by the Government, the remainder being elected either by the ratepayers or by certain public bodies. The President is nominated by the Government and is the chief executive officer. The Bombay Municipality has had a very prosperous career, and the affairs of the town on the whole have been conducted with business-like moderation and a commendable respect for public responsibilities. There are seventy-two councillors; and of these only sixteen are nominated by the Government, the remainder being elected by the ratepayers, the justices of the peace, the fellows of the University, and the Chamber of Commerce. The president is elected by the councillors, and presides over the meetings of the Council, but the chief executive authority is the Municipal Commissioner, who is a nominee of Government, and at present is a member of the Indian Civil Service.

Bombay Municipality revenue and expenditure.

The responsibilities of these municipalities are very great. Schools, lighting, the water supply, the disposal of sewage, the maintenance of roads, all come under the charge of the Municipality. In the Bombay Municipality there are working under the direction of the Commissioner the permanent Heads of Departments, such as the Executive Engineer, the Water Engineer, the Municipal Secretary, the Superintendents of Markets, Licences, and Gardens, the Curator of the Victoria and Albert Museum, the Chief Officer of the Fire Brigade, and the Storekeeper; and each of these officers administers the affairs of his own department. In addition, the Standing Committee, which is appointed by the

Corporation, superintends generally the finances of the Municipality, and there are committees, such as the Schools Committee and sub-committees, appointed for special purposes.

The income of the Bombay Municipality is derived chiefly from municipal rates and taxes on house-property, animals and vehicles, from town duties, from municipal property, and from payments for water, lighting, etc. It is calculated that the average taxation per head of the population within the municipal area amounts to Rs. 12.13.0 a year. The chief items of expenditure are:

	Rs.
General Administration and Collection Charges	9,94,650
Public Safety: Fire, Lighting, etc. - - -	6,33,921
Public Health and Convenience: Water Supply,	52,62,559
Drainage, Conservancy, Hospitals, Dispensaries, etc. - - - - - - -	18,56,719
Public Works: Buildings, Roads, etc. - -	6,78,752
Public Instruction - - - - - - -	34,64,177

Loans.

For works involving a large outlay, money is raised usually by loan. In 1913-1914, the total capital debt of the Corporation amounted to Rs. 6,48,83,677. Against this is the sinking fund, which has investments valued at Rs. 1,37,82,442; and the properties of the Municipality, which are valued at Rs. 8,62,04,747. It will be seen, therefore, that the assets exceed the gross liability by a considerable sum, and thus the financial stability of the Municipality is unquestionably assured.

Public Health.

The simplest way to examine the work done by a municipality is not merely to look at the streets, the dwellings, and the people, but to inquire into the death-rate. The answer will quickly show whether the municipality is performing its duties properly in the interests of the town. The following table will show that, though the death-rate in Bombay is still very high, yet the bill of mortality is being considerably reduced.

Year.	Number of deaths registered.	Death-rate per thousand.
1899	56,434	68·07
1900	79,350	96·55
1901	59,495	76·66
1902	48,414	62·38
1903	50,513	65·09
1904	42,676	54·99
1905	47,662	61·54
1906	52,874	54·07
1907	38,687	39·56
1908	38,271	39·13
1909	34,878	35·66
1910	34,933	35·72
1911	34,961	35·69
1912	38,954	39·77
1913	31,806	32·47

Before passing to the district municipalities, there are still some matters connected with the life of the Presidency towns which demand attention. According to the census of 1911, the population of Calcutta amounted to 1,043,000, and that of Bombay to 979,000. In the latter city a large portion of the land now occupied has been reclaimed at one time or another from the sea, and at the present moment large schemes are being considered for further reclamation of what is known as Back Bay; but for all that, the extent of the urban area is necessarily confined, owing to geographical reasons, and in consequence there is much overcrowding. There are in the city large "chawls" or tenements, each accommodating in some cases up to a thousand people. Some of the streets are narrow and filthy, and fresh air is denied to all but the topmost rooms. Mr. Lovat Fraser, who lived many years in Bombay, has stated that "nothing was so terrible as the daily sight of all those vast fetid breeding-houses of death, within earshot of murmuring waves telling of five hundred leagues of wind-swept sunlit ocean." The ravages of plague made those in authority understand the awful squalor and the terrible danger that lurked within that great city.

Improvement Trusts.

During the rule of Lord Sandhurst the Bombay City Improvement Trust was started, and its policy has been developed within the last few years. The huge tenements are gradually being swept away, and wide avenues carved throughout the length and breadth of the city. Fresh air and sunlight are thus admitted to places which formerly were pregnant with disease and immersed in squalor. The outlying country to the north of the Island of Bombay is being developed, which, with improved means of transit, will soon accommodate thousands of people now living in the city. The Trust was instituted by an Act passed in 1898, and its affairs are administered by a Board of Trustees, of whom the chairman is nominated by the Government, and is at present a member of the Indian Civil Service. Its funds are raised partly by loan and partly by certain vacant Government and Municipal lands, which have been handed over to the trustees; and in 1911 fifty lakhs were given by the Government of India out of their year's surplus. In Calcutta a similar body has been constituted, which is dealing with the congested areas lying chiefly to the north of the city which "skulk behind a fringe of palaces."[1]

Besides the City Improvement Trusts, there are the Port Trusts in the chief sea-port towns. These consist of members nominated either by Government or by the Chambers of Commerce and other interests. In Bombay the Port Trust has done much to improve the shipping facilities. The harbour is being deepened by a system of dredging, whereby the silt and mud can be removed through specially constructed pipes to places where reclamation works are being taken in hand. By this means two pieces of work of vital importance to the city are being carried out at one and the same time. The money necessary for developing large schemes of improvement is raised by loan, and in Bombay a large new dock has been constructed, which was opened by Lord Hardinge, for the accommodation of even the largest steamers which enter

Port Trusts.

[1] The scheme of development in Bombay is now under revision by the Government.

the harbour. Since its completion the mail steamers come straight up to the landing-stage, and much inconvenience is thereby saved. The Port Trust also administers the port, and renders certain services, such as pilotage, to all ships coming into the harbour. For these purposes a sufficient revenue is derived from the harbour and the shipping dues which are paid by the ships in question.

Similar work is carried out at Karachi, Aden, Madras, Rangoon and Chittagong. Considerable progress has been made by the first-named port, which in future years may even equal in importance the rival harbour of Bombay. It lies in the direct line between Aden and the large centres of population in Northern India, and is comparatively close to those vast tracts of land now rendered fertile by the irrigation policy of the Government of India.

The revenue of the Bombay Port Trust in 1916-17 amounted to 178 lakhs of rupees; and the expenditure was only 161 lakhs, the surplus being diverted to capital expenditure. Nearly 5,000,000 tons of cargo were handled in the same year. More than 2000 vessels were accommodated in the docks; and, in addition, other vessels remained for unloading and loading in the harbour stream. The revenue of the Calcutta Port Trust during the same year amounted to 158 lakhs of rupees. The operations of the Trust were seriously affected by the war as, owing to the position of Calcutta, little military traffic was handled; and, owing to submarine attacks, fewer vessels entered the harbour.

District Municipalities.

We may now turn our attention to the municipalities outside the Presidency towns, which have been springing up within the last few years. The present municipal policy dates very largely from the time of Lord Mayo. The objects of his policy were many. He hoped that the people of the country would be trained in the art of self-government, that the local needs of the city would be better cared for, and that Indians and Europeans would learn to co-operate in the promotion of matters of common interest. Such, undoubtedly, were the views

of Lord Ripon, under whose rule great strides were made in the development of municipal life.

In 1916-17, there were altogether 721 municipalities in British India, containing a population of 17 million people within their limits. During recent years, the official control over municipalities has been considerably relaxed. Elected members are more than one-half (53 per cent.) of the total number of members of all municipalities. *Ex officio* members are 13 per cent. and nominated members 34 per cent. The non-officials outnumber the officials in all municipalities taken together in the proportion of 5 to 1. Ninety per cent. of the members of all municipalities taken together are Indians. In many cases the president has ceased to be a Government official, and a chief officer has been appointed by the municipality. The Collector and the Commissioner of the Division have certain powers of control, and in certain cases of grave neglect the Government has the power to suspend a municipality.

Municipal functions are very diverse. They may conveniently be classed under the heads of public safety, health, commerce, and education. In order that these functions may be carried out, various powers are conferred on municipalities by the Municipal Acts and by the by-laws framed under them. About two-thirds of the aggregate municipal income is derived from taxation, and the remainder from municipal property, contributions from provincial revenues and other sources. The principal heads of taxation are octroi (duties which are levied on articles, principally of food, which are brought into the town for local use); taxes on houses and lands, animals and vehicles, and professions and trades; tolls on roads and ferries; and water, lighting and conservancy rates. In order to carry out large projects such as water-supply, drainage, etc., the municipalities have generally to borrow money either from Government or in the open market on the security of their funds. But municipalities have often been unable to obtain money in the market on reasonable terms and their borrowings have been almost entirely from

Government. Generally speaking, the income of the municipalities is very small. Four cities—Calcutta, Bombay, Madras, and Rangoon—together provide nearly 38 per cent. of the total income of Rs. 8,89,00,000. The proceeds of the principal heads of revenue for all municipalities taken together and the percentage borne by each principal head to the total income are shown below:

	Income (in lakhs of rupees.)	Percentage to total income.
Municipal Rates and Taxes:—		
House and Land Tax	1,91·81	21·6
Octroi (net)	1,51·31	17·0
Water Rate	1,02·99	11·6
Conservancy Tax	64·06	7·2
Animals and Vehicles	21·60	2·4
Professions and Trades	18·42	2·1
Tolls on Roads and Ferries	17·68	2·0
Lighting Rate	16·69	1·9
Other Taxes	35·03	3·9
Revenue derived from Municipal Property and Powers apart from Taxation	1,57·73	17·7
Grants, Contributions, and Miscellaneous	1,11·55	12·6

In most parts of the country certain provisions of the Municipal Acts are extended to small towns, which are not fitted for the full responsibilities of municipal government, but which nevertheless require organised measures for sanitation and other purposes. These are described as "notified areas," and under the Act providing for their constitution, each area must contain a town or bazar, must not be a purely agricultural village, and must not have a population exceeding 10,000.

In the country districts there are Local Boards, to whom are entrusted duties similar to those of the municipalities, but to a smaller degree. The Local Boards, like the municipalities, did not thrive from the very first, but a great stimulus was given during the rule of Lord Ripon. In England, local government in

Local Boards.

rural areas is placed in the hands of the County, District, and Parish Councils, each possessing certain specific duties. The unit for the purposes of local government is the Parish, which is of an ecclesiastical origin. In India the conditions differ in each province which has evolved its own system. In Madras the unit is the village, or a group of villages so constituted that members of the Board have a personal knowledge of all matters brought before them. This village board bears the name of "Panchayat," which originated in the meetings of the old village communities. These public bodies undertake the supervision of sanitary arrangements and other petty duties. There are similar bodies, called Union Committees, in Bengal and Bihar and Orissa. Above them are the sub-district or Taluka Boards, which control matters of general importance. Finally, there are the District Boards, which represent the whole district. In the Bombay Presidency there are the District and Taluka Boards.

Constitution and duties of local Boards.

The constitution of these Boards also varies in different parts of the country. The nominated members are more numerous than in the case of the municipalities, but in many instances the elective element has been introduced and will doubtless be extended from time to time. In 1916-17, excluding the Union Committees and Panchayats to which the elective principle has not been applied, about 50 per cent. of the members of the Boards were elected. The District Officer is the president of the District Board; and sub-divisional Officers preside over the Taluka Boards. Besides supervising the maintenance and improvement of the means of local communications the main functions of the District Boards are the maintenance of hospitals and dispensaries; the provision of drainage and water supply; general sanitation; vaccination; education, especially in its elementary stages; the charge of pounds and ferries; the construction and maintenance of markets; and the relief of the population in times of famine. The sub-divisional or Taluka Boards carry out their duties subject to the supervision of

the District Board. The revenues are derived partly from grants made by the local Governments, partly from a cess on land, and partly from fees for pounds and ferries and other payments derived from road tolls. The accounts of the Local Boards as well as those of the Municipalities are subject to an audit held by officials of the Government, but are excluded from the Imperial budget.

The total income of the Boards in 1916-17 amounted to Rs. 710 lakhs. The average income of each Board, together with its subordinate sub-district Boards, was about Rs. 4 lakhs. The various committees in Bengal had an average income of Rs. 1080; and the Panchayats of Madras had an average income of Rs. 2,747. The principal objects of expenditure are education and civil works. In the Bombay Presidency, 42·6 per cent. of the annual expenditure was on civil works, consisting of buildings, communications, water supply, tools and plant, staging bungalows and arboriculture. The expenditure on education amounts to 43·7 per cent. of the whole. The medical expenditure includes grants for itinerant vaccinators and the supply of quinine during the malaria season.

Government of India's policy in 1918.

It is generally agreed that the policy of local self-government, which was started nearly forty years ago with such high hopes by Lord Ripon, has not as yet been attended by great success. The smallness and inelasticity of the revenues of municipalities and boards, the indifference still prevailing in many places towards all forms of public life, the prevalence of sectarian animosities, have all contributed to this disappointment. Lord Chelmsford and Mr. Montagu urge also that "the educative principle has been subordinated to the desire for more immediate results. The management of local affairs has remained in the hands of those who are most competent to handle them, not from bureaucratic lust of power, but because no other agency has readily presented itself and district officers have never had the leisure nor been given sufficient assistance to create one. The broad fact remains that in a space

of over thirty years the progress in developing a genuine local self-government has been inadequate in the greater part of India."

In 1918, the Government of India issued an important Resolution on the subject. It was pointed out that the object of local self-government is to train the people in the management of their own affairs and that political education of this sort must, in the main, take precedence of departmental efficiency. It follows from this that local bodies should be as representative as possible of the people whose affairs they are called on to administer, that their authority in the matters entrusted to them should be real and not nominal, and that they should not be subjected to unnecessary control, but should learn by making mistakes and by profiting by them. The Government of India therefore recommended that the municipalities, district and sub-district boards should ordinarily have a substantial elective majority, and that the nominated element should not ordinarily exceed one-fourth of the whole. The gradual replacement of nominated by elected chairmen of municipalities and the encouragement of non-official chairmen of rural boards were also advocated. The Government of India also suggested that municipalities should have full liberty to improve or alter taxation within the limits laid down by the municipal laws; and that the rural boards should be at liberty to vary the rate at which the land cess is levied within the limits imposed by law without the interference of outside authority. The Government of India also suggested for the consideration of the provincial Governments the constitution of a central body which should co-ordinate the experiences of the local bodies and provide improved control and guidance by entertaining further expert inspecting establishments. Such a central body should be in direct touch with the Government and might fitly be presided over by a member of the Executive Council where such exists. It should further be considered whether in place of a formal board there might not be a Standing Committee for local and municipal affairs in direct contact

with the Government, to be drawn largely from elected members of the Legislative Council.

In regard to Panchayats, the Government of India attached importance to the association of the principal village officers with these institutions, and also to an informal election of the other members by the villagers themselves. They would, however, allow the Panchayat to choose its own president. Village sanitation, village education, and jurisdiction in petty civil and criminal cases might be the main function of Panchayats. It is desirable, however, that the Panchayat should be, as a rule, a body representing a single village; otherwise, the great safeguard for the proper disposal of such cases namely, public opinion, will be lost.

Connection between the Local Boards and the Central Government.

The development of local government has played a great part in English constitutional history. The main feature of Anglo-Saxon times was the strength of the local institutions and the weakness of the Central Government. In Norman times the position was reversed, and increased power was given to the Central Executive at the expense of the local bodies. During the rule of the early Plantagenets a happy compromise was effected, which retained very largely the freedom of the localities to manage their own affairs as well as the efficiency of the Central Government. This was the effect of the evolution of the Parliamentary system which connected the Central Executive with the localities by means of representatives from the counties and large towns. The same system is being introduced in India. More and more, as has been seen, the administration of local affairs is being entrusted, with the necessary supervision, to the District Boards and Municipalities; and the presence of the representatives of the public on the provincial Legislative Councils is bringing the Executive more into touch with local needs and requirements.

CHAPTER VII.

THE LEGISLATURE.

"It is a great evil of the present system that Government can rarely learn how its measures will be received or how they are likely to affect even its European subjects till criticism takes the form of settled and often bitter opposition."

Minute written by SIR BARTLE FRERE in 1860.

"The announcement (of August 20, 1917) marks the end of one epoch, and the beginning of a new one. Hitherto, we have ruled India by a system of absolute government, but have given her people an increasing share in the administration of the country and increasing opportunities of criticising Government. . . . We have at present in India neither the best of the old system, nor the best of the new. Responsibility is the savour of popular government, and that savour the present councils wholly lack. Our first object must be to invest them with it. They must have real work to do; and they must have real people to call them to account for the doing of it."

MONTAGU-CHELMSFORD REPORT.

Sovereignty of the British Parliament.

THE British Parliament or—to be more correct—the King-in-Parliament is Sovereign because, according to Professor Dicey, it has the power "to make or unmake any law[1] whatever; and, further, no person or body is recognised by the law of England as having a right to override or set aside the legislation of Parliament. It can regulate or new-model the succession to the Crown; as was done in the reign of Henry VIII. and William III. It can alter the established religion of the land; as was done in a variety of instances in the

[1] A law is defined as "any rule which will be enforced by the Courts."

reigns of King Henry VIII. and of his three children. It can change and create afresh even the constitution of the kingdom and of parliaments themselves, as was done by the Act of Union, and the several statutes for triennial and septennial elections (and by the Parliament Act of 1911). It can, in short, do everything that is not unnaturally impossible; and therefore some have not scrupled to call its power, by a figure rather too bold, the omnipotence of Parliament."

This "omnipotence of Parliament" has made the English Constitution very flexible, as changes in it can be made with comparative ease and by the same procedure as the ordinary laws. In certain other countries changes in the constitution are much more difficult to make and can only be effected by an extraordinary method of procedure. In Switzerland, for example, the consent of the people must be obtained by means of what is called a referendum. The legislatures of these countries are called "non-sovereign law-making bodies." In other words, though they have the power to make laws, they are restricted in certain matters by the terms of a written constitution. There are dangers in both systems. In England there is a danger of drastic changes being made without sufficient thought; and, in Switzerland, that necessary changes may be unduly delayed.

The Indian legislature belongs to the second category and is a non-sovereign law-making body. This is necessary because the British Parliament has been, and is still, responsible for the general welfare and defence of India. The Indian Legislature, which sits at Simla and Delhi, is a law-making body which can make laws (*a*) for all persons, for all courts, and for all places and things within British India; (*b*) for all British subjects of His Majesty and servants of the Government of India within other parts of India; (*c*) for all persons being native Indian subjects of His Majesty or native Indian officers, soldiers or followers in His Majesty's Indian forces, when respectively in any part

The Indian Legislatures are Non-Sovereign law-making bodies.

of the world, whether within or without His Majesty's dominions; and (*d*) for all persons employed in the Indian Marine Service. In practice, the British Parliament has abrogated its right to legislate for the internal affairs of India, except in uncontentious matters such as copyright which demand a uniform application in the interests of all countries concerned. Acts of Parliament are not valid in India unless it is stated by word or by implication that their scope is extended to India. The Indian Legislature is therefore the main authority for making the laws in India. But, in exercising these powers, it is restricted in a number of ways. It cannot repeal or amend the Army Act, nor pass laws affecting the authority of Parliament; it can only pass laws consistent with those passed by the British Parliament having reference to India, such as those referred to in the first chapter of this book; and it has not the right to amend or to repeal such laws. Parliament also exercises through the agency of the Secretary of State a general supervision over all legislation passed in India. It has therefore been the practice of the Government of India to obtain the consent of the Secretary of State before proposing any new legislation.

Provincial Legislatures also Non-Sovereign law-making bodies.

Besides the Central Legislature of India there are a number of provincial legislatures. For a long time it was a matter for dispute whether there should be provincial legislatures at all. On the one hand, the existence of a number of legislatures might cause a lack of uniformity and a complexity confusing both to the people who have to obey the law and to the courts which have to administer the law. On the other hand, it would indeed be difficult for the Indian Legislature to undertake all the legislation necessary for India; nor could that body be sufficiently in touch with the needs of the provinces. Before the passing of the Regulating Act in 1773 the Governors-in-Council of the three Presidencies had each the power to make rules and regulations. The Regulating Act made the Governor-General of Bengal in Council the supreme Government, but

in practice his control over the Governments of Madras and Bombay was only nominal. In 1833 the legislative powers of the Governments of Madras and Bombay were taken away and sacrificed to an exaggerated desire for complete uniformity. This drastic change was soon found to be faulty, as the members of the Governor-General's Council being restricted to the Bengal Service were insufficiently acquainted with the needs of Madras and Bombay. Accordingly, in 1853, representatives of the Governments of Madras and Bombay and of the new Governments of Bengal and Agra were added to the Governor-General's Council as additional members. The hope that these representatives would be able to keep the Governor-General's Council sufficiently in touch with provincial requirements was not realised. Lord Canning therefore reconsidered the whole question. Two principles had been proved correct. In the first place, the existence of a number of legislatures, subject to no effective and central control, was harmful to India. In the second place, it was equally harmful to place all legislative power under a single authority which could neither keep pace with the demands for legislation nor be sufficiently acquainted with local conditions. The Act of 1861 is therefore of great importance in the history of the Indian Constitution. It restored the old provincial Legislatures of Madras and Bombay and created one in Bengal; and it made provision for similar councils in the other provinces. That for the United Provinces came into being in 1886, and that for the Punjab in 1897. In 1917 there were nine Provincial Councils in Bengal, Madras, Bombay, the United Provinces, the Punjab, Burma, Bihar and Orissa, the Central Provinces and Assam. But those who passed the Act of 1861, remembering the evils and the complexity which resulted from the almost independent Councils of Madras and Bombay in the olden days, took care to restrict the scope of the Provincial Councils and to place them under the general supervision of the Government of India. The Provincial Councils had not the power, except with the consent of the Governor-General, to make or take into

consideration any law which affected the public debt or the finances of the Government of India, the currency, post office and telegraphs, the Indian Penal Code, or the discipline and maintenance of His Majesty's naval and military forces. The Provincial Governments could not introduce any Bill before the Council without having submitted it first to the Government of India and received its approval. Every law passed by a Provincial Council had to receive the assent of the Governor-General.

Relations between the Executive and the Legislature in the matter of legislation.

Another important problem in the development of the Indian legislative system has been to decide the relations between the Legislature and the Executive. The Legislative Council of India originated as an expansion of the Executive Council of the Governor-General, its full title being, until recently, the Governor-General-in-Council at meetings for the purpose of making laws and regulations. The Executive Council thus existed long before the Legislative Council; and its members passed such rules and regulations as seemed to them fitting, and conducted their business by means of official notes and informal discussion. This may have been an expeditious method of making laws, but it can scarcely be considered to have been a safe one. An Executive, especially if all its members, as was then the case in India, are members of an alien race, should use every opportunity of finding out whether its laws are suitable to the people who will have to obey them; and it needs the assistance of men experienced in legal matters. The authorities in England realized the necessity of the latter precaution. The Regulating Act of 1773 provided that all the regulations passed by the Executive Council should be registered by the Supreme Court. But this practice proved a failure. The judges of the Supreme Court were unduly influenced by their experience of English law, which in many ways was unsuited to India. There ensued a violent conflict between the Executive and the Supreme Court, which reduced very considerably the

authority of the government of Warren Hastings. In 1781, therefore, the practice of registration ceased. In 1833 another device whereby legal experience would be available to the Executive Council was tried. The Executive Council was strengthened by the addition of a law member, the first being Lord Macaulay, whose duties for a time were confined to legislation. This innovation has proved most valuable, as it has enabled the Indian Government, in the matter of legislation, to enjoy the services of legal experts such as Macaulay, Henry Maine, Leslie Stephen, and Courtenay Ilbert. The work of these men will be discussed in the next chapter which deals with the administration of the law in India.

The developments of 1853 and 1861.

It soon became clear that further changes were necessary. The Indian system of those days was lacking in many requisites for good legislation. In the first place there is need for formal and public discussion of legislative proposals; and, in the second place, criticism by men of experience in the ways of the country is required. Many attempts have been made to supply these requisites. In 1853 the Council when acting in its legislative capacity was enlarged by the addition of six new members, the Chief Justice of Bengal, a puisne judge, and a member nominated by each of the Provincial Governments of Bengal, Madras, Bombay, and Agra. Discussions then became oral and were for the first time held in public. This was a salutary measure as the Executive Council had to explain its proposals to the additional members and to defend itself against their criticism. The next advance took place in 1861. The Act of that date provided that in addition to the members of the Executive Council there should be members, not less than six and not more than twelve in number, who were to be nominated by the Governor-General and remain in the Council for two years. Of these additional members not less than half were to be non-officials; that is to say, men who were not in the service of the Crown. In the Provincial Councils similar measures were adopted. The im-

portance of this innovation was that a small number of Indians were selected by the Government to offer their advice and to criticize the legislative proposals placed before them.

The Act of 1892 is the next landmark in the development of the Indian Legislative Councils. It increased the number of additional and of non-official members in the Imperial Council. In the Provincial Councils the number of additional members was increased so that there could be a maximum of twenty in Madras and Bombay, and one of fifteen in the other Councils. At least one-half of the additional members of Bombay and Madras, and one-third of the other Councils, were to be non-officials. In Bombay there was a non-official majority for some years before 1909. The chief departure embodied in the Act of 1892 was the introduction, in practice, of a system of election. The non-official members of the Legislative Councils of Bengal, Madras, Bombay, and the United Provinces, and the Calcutta Chamber of Commerce each elected a representative on the Imperial Council. Public bodies, such as municipalities and local boards, elected representatives on the Provincial Councils.

The Act of 1892.

The Act of 1909, which followed the scheme of reform drawn up by Lord Morley and Lord Minto, made a step further in the same direction. It provided that in addition to the members of the Executive Council there should not be more than sixty additional members. Of these not more than thirty-five could be nominated by the Governor-General provided that the majority of all members of the Council were officials. The remaining twenty-five members were elected by the non-official members of each of the Provincial Councils, by the landholders of certain provinces, by the Muhammadan community in certain provinces, and by the Bombay and Bengal Chambers of Commerce. The Act also provided that in all the Provincial Councils the official majority could be dispensed with. The number of elected members varied in the several provinces. In Bombay there were twenty-

The Act of 1909.

one who were elected by the Municipality of Bombay, the district municipalities and district boards, the University of Bombay, the Chambers of Commerce, the Muhammadan community, the Sardars of the Deccan and of Gujarat, and the Jagirdars of Sind. It should be noticed that the principle of communal election was accepted, notably in the case of Muhammadans. A list of rules and regulations was also issued in accordance with the Act with reference to the necessary qualifications of candidates and electors and the manner of election. Precautions were also taken against corrupt practices and for the settlement of disputes arising during an election.

The right of the Legislature to supervise the actions of the Executive.

It is now necessary to discuss the power of the Legislature to supervise, and indeed to control, the actions of the Executive. In England Parliament controls the Executive in that the Cabinet only holds office so long as it retains the support of a majority in the House of Commons; but in India the Executive has remained in office notwithstanding an adverse vote of the Legislative Council. Sir Courtenay Ilbert has stated that the Legislative Council established under the Act of 1853 modelled its procedure on that of Parliament and showed an inconvenient degree of independence by asking questions and by discussing the propriety of measures of the Executive Council. This practice was most embarrassing as the responsibility for the welfare and defence of India rested with the Executive and not with the Legislature. Accordingly, the right to criticize the Executive was revoked by the Act of 1861, which limited the scope of the Legislature to the consideration and passing of laws. These restrictions were slightly relaxed in 1892, when the asking of questions in connection with the administration was allowed under certain conditions; and arrangements were made for the discussion of the annual budget subject to the proviso that no member could use this privilege to propose a resolution or to take a vote of the Council.

The Councils Act of 1909, in accordance with the proposals of Lord Morley and Lord Minto, went much further in this direction. Clause 5 of the Act reads as follows: "The Governor-General-in-Council shall make rules authorizing at any meeting of the Legislative Council the discussion of the annual financial statement of the Governor-General-in-Council, and of any matter of general public interest, and the asking of questions, under such conditions and restrictions as may be prescribed under the rules." The President could disallow without giving any reason any resolution which he deemed to be inconsistent with public interests; and a resolution, even if it was carried by the Legislative Council, was only in the nature of a recommendation to the Executive which could accept it or not as it chose. The right of asking questions was extended by the Act of 1909, when further or supplementary questions were allowed for the purpose of elucidating any matter of fact regarding which a request for information had been made in the original question. But questions had to be so framed as to be merely a request for information and not for an expression of opinion. The member who replied could refuse to answer a supplementary question without notice; whilst the President could disallow any question which, in his opinion, was inconsistent with public interests. Similar privileges in regard to moving resolutions and to asking questions were also granted to the Provincial Councils provided that the subject under discussion was within the scope of the Council concerned. The exercise of these privileges influenced very considerably the actions of the Executives, imperial and provincial. Government often accepted a resolution passed by a legislative council; or it subsequently took measures, administrative or legislative, to meet the wishes of the Legislative Council.

The Morley-Minto Reforms: resolutions and interpellation.

Thus in 1917, when Lord Chelmsford and Mr. Montagu reviewed the political situation in India, the position of the Executive was still very strong. The control of the purse was in its hands, though, under certain conditions,

proposals of an advisory nature could be made by the Legislative Council. Criticism of the administration was also permissible subject to certain restrictions; but this right of criticism did not extend to the right of control. In the domain of legislation which had originally been regarded as the sole duty of the Legislature the main advance had been made. But all bills passed by a Legislative Council were subject to the sanction of the Governor-General and of the Secretary of State; and those passed in a provincial legislature were subject also to the approval of the head of the province concerned. The Governor-General also possessed the right, in cases of emergency, to issue ordinances and proclamations which had the force of law and were recognized by the Courts for six months.

Power of the Executive in 1917.

During the course of their enquiry, Lord Chelmsford and Mr. Montagu subjected to a critical examination the results of the political developments which have been explained in this chapter; notably the relations between the Secretary of State and the Indian Legislature and those between the Government of India and the Provincial Legislatures, the composition of the several legislatures in India, and the relations between the Executive and the Legislature in India. They also made important suggestions, many of which were carried out in the Act of 1919.

Criticism by Lord Chelmsford and Mr. Montagu: the new reforms.

At the time of the recent reforms Parliament took the opportunity of establishing yet again its supremacy in the matter of the Indian constitution and of proclaiming its responsibility for the welfare and defence of India. It insisted that it alone must be the judge of the time and measure of each political advance. The Indian Legislature is still precluded from repealing or amending those Acts of Parliament which define the Indian Constitution. At the same time Parliament was desirous that the Secretary of State, acting on its behalf, should interfere as little as possible in legislation passed by the Indian Legislature and affecting the

(a) The Secretary of State and the Indian Legislature.

internal affairs of India. The Parliamentary Committee therefore laid down the following general principle for general guidance. The Secretary of State should only in exceptional cases intervene in matters of purely Indian interest where the Government and Legislature of India are in agreement. If these two authorities are in conflict, it is then the duty of the Secretary of State to make a decision.

(b) The Government of India and the Provincial Legislatures.

Lord Chelmsford and Mr. Montagu found that the Government of India had exercised with some strictness its powers of control over provincial legislation.[1] Control, as has already been seen, was exercised mainly by examining every legislative proposal of a Provincial Government before its introduction in the Provincial Legislature, and by the right of the Governor-General to refuse his sanction to a proposal which had been passed. These were very necessary precautions so long as the Secretary of State was held responsible by Parliament for all legislation passed in India. But the pronouncement of 1917 stated the intention of His Majesty's Government to foster the gradual development of self-governing institutions in India; and it was subsequently agreed that this object could best be attained at first in the provinces. It therefore became necessary to relax the control of Parliament which had hitherto been exercised through the agency of the Secretary of State and, in particular, of the Government of India. A distinction was made between matters concerning the reserved subjects (which come within the scope of the Governor-in-Council) and matters concerning the transferred subjects (which come within the scope of Ministers responsible to the Legislative Council). The Parliamentary Committee again laid down principles for future guidance. In the case of the reserved subjects the Government of India should not

[1] The administrative control of the Government of India over the provincial Governments has been discussed in Chapter IV.; and the financial control of the Government of India will be discussed in Chapter X.

ordinarily intervene when the provincial Government and Legislature are in agreement. In the case of the transferred subjects the control of the Government of India and thus of the Secretary of State should be restricted within the narrowest possible limits.

(c) The Composition of the Legislative Councils: Criticism of Lord Chelmsford and Mr. Montagu.

Lord Chelmsford and Mr. Montagu felt that, in regard to the composition of the Legislative Councils, "narrow franchises and indirect elections failed to encourage in members a sense of responsibility to the people generally, and made it impossible, except in special constituencies, for those who had votes to use them with perception and effect." By the term "narrow franchise" is meant that an elected member of a Legislative Council is elected by, and is therefore responsible for his actions to, a very small number of electors. In the Indian Legislative Council the largest constituency which returned a member did not exceed 650 persons. Most of the constituencies were decidedly smaller. In the Provincial Councils the constituencies were almost as narrow. There are many dangers in a narrow franchise. It is more susceptible, as Edmund Burke pointed out many years ago, to corrupt practices. The members of the Councils, being directly responsible to a very few people, are also subjected to the temptation of considering only narrow, and even personal, interests. But the chief danger lies in the fact that the vast bulk of the people, being excluded from the political machinery of their country, may be led to voice their grievances by unconstitutional methods such as by strikes and indeed by open rebellion. Moreover, even if these grave dangers are averted, there can be no education of the mass of the people in their political responsibilities. An "indirect election" is one in which the electors who return members to a Legislative Council have been themselves elected by other electors for other purposes. For example, the unofficial members of the Provincial Councils who returned representatives to the Indian Legislative Council had themselves been elected by other voters (who may be called for

convenience primary voters) with reference to the work of the Provincial, and not of the Indian, Council. Again, the members of the district boards and municipalities who elected representatives on the Provincial Councils had themselves been returned by other electors with reference to the work of the local bodies and not of the Provincial Councils. Again, the registered graduates of a university who returned the elected fellows of the Senate were expected to use their votes to place on the Senate men experienced in the work of a university and not necessarily men who would be good members of a Provincial Legislative Council. Thus "there was no connexion between the supposed primary voter and the man who sat as his representative on the Legislative Council, and the vote of the supposed primary voter had no effect upon the proceedings of the Legislative Council."

The Act of 1919.

The main effect of the Act of 1919 was (*a*) to introduce the bi-cameral or two-chamber system in the Indian Legislature, (*b*) to increase the size of the Legislative Councils and, in particular, the number of the elected members in each, (*c*) to substitute direct for indirect election, and (*d*) to increase the electorate.

The Council of State and the Legislative Assembly.

The Indian Legislature consists of the Governor-General and two chambers, the Council of State and the Legislative Assembly. The Council of State consists of thirty-three elected members, and twenty-seven nominated by the Governor-General, of whom not more than twenty may be officials. The Legislative Assembly consists of one hundred and two elected members, and forty members nominated by the Governor-General, of whom not more than twenty-six may be officials.

Provincial Legislative Councils.

The Act of 1919 provided that there should be in every Governor's province a Legislative Council. The number of members of these Legislative Councils was set forth in a schedule to the Act as follows:

Madras	118	members.
Bombay	111	„
Bengal	125	„
United Provinces	118	„
Punjab	83	„
Bihar and Orissa	98	„
Central Provinces	70	„
Assam	53	„

Not more than twenty per cent. of the members of each Council can be official members, and at least seventy per cent. must be elected members. Thus the Bombay Legislative Council consists of—

(1) The members of the Executive Council *ex officio*;

(2) Eighty-six elected members; and

(3) Such number of members nominated by the Governor as, with the addition of the members of the Executive Council, shall amount to twenty-five; of the members so nominated not more than sixteen may be officials, and five are nominated to represent the Anglo-Indian community, the Indian Christian community, the labouring classes, the depressed classes and the cotton trade.

The vast majority of the elected members of these enlarged legislative bodies are returned by a process of direct election.

The substitution of direct for indirect election.

The sole duty of electors is therefore to return persons most fitted to represent them on a Legislative Council. An elector is not required, as heretofore, to perform a dual duty, that of electing representatives for some particular form of work and also that of electing representatives who will themselves elect other representatives to a Legislative Council. A keener feeling of responsibility should be the result. The electors will know that, if things go wrong, it is their fault for having returned unsuitable representatives. The members will know that they are responsible for all their actions to the electors. The vast majority of the elected members of the new Legislative Councils are therefore representatives of territorial or geographical areas. There are, however, a few non-territorial constituencies. For example, in the

Council of State there is one representative each of the Bombay, Calcutta, and Burma Chambers of Commerce. In the Legislative Assembly similar provision is made for the representation of Indian commerce. In the Bombay Legislative Council, again, there are a few non-territorial constituencies, those of the Deccan and Gujarat Sardars, the Jagirdars of Sind, the University of Bombay, and a few commercial associations. In the United Provinces Legislative Council the Taluqdars, the Upper India Chamber of Commerce, the United Provinces Chamber of Commerce, and the University of Allahabad form non-territorial constituencies. In the other provinces there are also a few constituencies of this nature.

Communal Representation.

The principle of communal representation, which was accepted under the Morley-Minto scheme of reform, has been retained, and even extended in its application, under the new reforms. In every council there are a large number of Muhammadan members who have been elected by Muhammadans. There are also a small number of seats for Europeans. In the Punjab Council there are some seats for the Sikh community. In the Madras Council a certain number of seats are reserved for non-Brahmans; and in the Bombay Council for the Mahratta community.

Size of Electoral Areas.

The size of the electoral areas varies in the different Councils. For elections to the Council of State the area is very wide. In the Presidency of Madras, for example, the whole province is the area, the non-Muhammadans returning four members and the Muhammadans one. In these so-called plural-member constituencies every elector has as many votes as there are members to be elected, but no member may give more than one vote to any one candidate. But in the Bombay non-Muhammadan constituency, to which three seats are allocated, the cumulative vote is allowed. In this case an elector may accumulate all his votes on any one candidate or may distribute them among the candidates as he pleases. The electoral areas of the Legislative Assembly are not as

wide as are those of the Council of State. They roughly coincide with the administrative divisions. Thus, in the Bombay Presidency, there are two non-Muhammadan and one Muhammadan seats for the city of Bombay; and one non-Muhammadan seat for each of the Sind, northern, central, and southern divisions. Certain seats are held in rotation, the Muhammadans of Sind and of the northern division taking it in turns to return a member, and those of the central and southern divisions also take turns. In the Provincial Councils the main line of distinction is between the urban and the rural constituencies, the latter coinciding mainly with the administrative districts.

The Widening of the Electorate.

Another feature of the new reforms has been a very considerable increase in the number of the electors. The scheme of franchise is based generally upon the principle of residence within the constituency and the possession of certain property qualifications as evidenced by the payment of land revenue, rent or local rates in rural areas, municipal rates in urban areas, and income-tax. The standard naturally varies in the different Councils, the qualifications required from voters for the Council of State and the Legislative Assembly being higher than those required from voters for the Provincial Councils. In the latter Councils the standard again varies, but is sufficiently low to admit the small cultivator and many of the urban wage-earners. In the Bombay Presidency, for example, in the urban constituencies occupancy of a house or building of the annual rental value of not less than Rs. 36 or of the capital value of Rs. 1500 is sufficient qualification to be placed on the electoral roll; and rural dwellers are eligible on a land revenue assessment of Rs. 16. It is probable that more than 5,000,000 male voters will find their names on the electorate rolls.

Female Suffrage.

There has been much discussion whether or not women should be admitted to the franchise. No definite decision on this important question has been arrived at under the Act. It is possible, however, under the rules drawn up under the Act, for

women to be placed on the register of voters in any province where the Legislative Council desires it.

In addition to the special qualifications for members and electors there are also some general qualifications. A person is not eligible for election to a legislative body if he is not a British subject, or has been adjudged by a competent court to be of unsound mind, or is under twenty-five years of age, or has been guilty of certain crimes. A man may not be a member of more than one legislative body at the same time. A much more vexed question is whether or not a candidate should reside in the constituency of which he seeks to be a member. There are arguments on both sides of this question. The imposition of a residential qualification ensures that every constituency is represented by a man who resides in it and should be intimately acquainted with its needs. On the other hand, it may militate against the efficiency of a council by preventing a number of able men being elected. It is probable that the number of able men is greater in the urban than in the rural areas; and yet many of these city-dwellers are confined, under the residential qualification, to the small number of seats allocated to the towns. It was eventually decided to compromise and to try both systems. The residential restriction is imposed in the Bombay, the Punjab and the Central Provinces, but not in the others. Experience will therefore decide which is the best system.

General qualifications for Members.

There are also general qualifications for electors. No person is entitled to be registered on the electoral roll if he is not a British subject, or is of unsound mind, or has been declared guilty of certain offences, or is under twenty-one years of age. Under certain conditions subjects of Native States are not disqualified. No person is entitled to vote in more than one general constituency. Plural voting is thus only permitted in cases where a man votes in a general constituency and also in a special constituency such as a Chamber of Commerce or a university.

General qualifications for Electors.

Rules have also been drawn up by Government for the proper and orderly conduct of elections. Precautions have also been taken in India as in other countries against corrupt practices at the time of an election. Every candidate has to submit a complete return of his election expenses. The rules not only cover such obvious offences as bribery, personation and undue influence, but they prohibit the hire of public conveyances and of liquor shops. Petitions against the return of a candidate are tried by special commissioners.

Rules for holding an Election.

Having cleared the way by the relaxation of the control of the Secretary of State and of the Government of India, by a marked increase in the number of the electors and of elected members, and by emphasizing through the process of direct elections the responsibility of the members to the electors, it then became possible for Parliament to increase the scope and the responsibility of the legislatures in India, particularly those in the provinces. Not only has the number of the elected and non-official members in every legislature been very largely increased, but in ordinary circumstances the official members have been released from the necessity of obeying the instructions of Government. Besides the matters referred to earlier in this chapter as being beyond its scope, the Indian Legislature cannot legislate on questions relating to provincial subjects, unless they have been declared by rules under the Act to be within its scope. A bill may be introduced in either chamber of the Indian Legislature and must be passed by both chambers. In the case of disagreement between the two chambers, the Governor-General may refer the matter for decision to a joint sitting of both chambers. Certain safeguards have been taken to enable the Governor-General-in-Council to fulfil his responsibilities. The Governor-General may prevent the introduction of a Bill which, in his opinion, affects the safety or tranquillity of India. He may withdraw his assent from the Bill or reserve the Bill for the signification of His Majesty's assent thereon. His Majesty-in-Council may also signify his disallowance. The Governor-

General may also, where a Bill has been passed by both chambers, return the Bill for reconsideration by either chamber. Provision is also made whereby the Governor-General can pass legislation, even when the Legislature is not in agreement. The Governor-General may certify that the passage of a Bill is essential to the safety, tranquillity and interests of British India. Every such Act is expressed to be made by the Governor-General, and must forthwith be laid before both Houses of Parliament and also receive His Majesty's assent. The power of the Governor-General to make ordinances in cases of emergency, which have the force of law for a period not exceeding six months, has also been retained. The Governor-General is empowered to dissolve either chamber if he thinks fit.

A Provincial Legislative Council has power, subject to certain restrictions, to legislate for the peace and good government of the territories for the time being constituting that province. It is still beyond its scope, without the previous sanction of the Governor-General, to consider any law affecting the public debt of India, the discipline or maintenance of His Majesty's forces in India, the relations of the Government with foreign princes or States, or any "central subject." Certain safeguards have been taken also to enable the Governor-in-Council to exercise his responsibilities. The Governor may withhold his assent from any Bill, or return it for reconsideration by the Legislative Council, or reserve it for consideration by the Governor-General. An Act of a Provincial Legislature does not have validity until the Governor-General has assented to it. The Governor-General may, instead of assenting to or withholding his assent from any Act passed by a Provincial Legislature, reserve it for the signification of His Majesty's pleasure thereon. His Majesty-in-Council may also disallow any Act. A Governor is also empowered to dissolve his Legislative Council if he thinks fit. Provision is also made whereby a Governor can pass legislation *connected with a reserved subject* even when the legislature is not in agreement. The Governor may certify that the passage of

such a Bill is essential for the discharge of his responsibility for the subject. Every such Act is expressed to be made by the Governor, but has no validity until His Majesty-in-Council has given his assent. The Governor may also certify that a Bill affects the safety or tranquillity of his province and thus prevent any further proceedings thereon.

Financial Control.

The power of the legislative bodies has been largely increased in the matter of finance. The estimated annual expenditure and revenue of the Governor-General-in-Council is laid in the form of a statement before both chambers of the Indian Legislature in each year. No proposal for the appropriation of any revenue can be made except on the recommendation of the Governor-General; but the proposals of the Indian Government are submitted to the discussion and vote of the Legislative Assembly in the form of demands for grants, except those which deal with interest and sinking fund charges, the salaries of certain officials, and expenditure classified as ecclesiastical, political and defence. The Legislative Assembly may assent or refuse its assent to any such demand, or may vote a reduction of the whole grant. But the Governor-General-in-Council may restore any grant so refused or reduced by the Legislative Assembly, if he considers it essential to the discharge of his responsibilities.

In the provinces the estimated annual expenditure and revenue is laid in the form of a statement before the Council in each year, and the proposals of the provincial Government for the appropriation of provincial revenues are submitted to the vote of the Council in the form of demands for grants. The Council may refuse its assent to a grant or reduce the amount of it. But proposals regarding the contributions of provinces to the Indian Government, interest and sinking fund charges and the salaries of certain officials, need not be submitted to the Council. The Governor-in-Council may restore any grant so refused or reduced by the Legislative Council, if he considers it essential to the discharge of his responsibilities and if it relates to a *reserved* subject.

The first president of the Legislative Assembly is appointed by the Governor-General; after four years he will be elected by the Assembly and approved by the Governor-General. The president of the Council of State is appointed by the Governor-General from among the members of the Council. The Governor-General is not a member of either the Legislative Assembly or of the Council of State, but he is entitled to address either body. In the provinces a Governor is not a member of the Legislative Council, but has the power to address that body. For four years subsequent to the passing of the Act, the president of a Legislative Council is appointed by the Governor concerned; subsequent to that period, he is elected by the Council and approved by the Governor. The members of the Governor-General's Executive Council are eligible for nomination to either chamber, but are entitled to address both chambers.

Procedure.

Great care is taken whereby legislative proposals will be discussed sufficiently and with due formality. Rules have therefore been drawn up to meet this need. Ordinarily, leave is first of all granted for the introduction of a Bill, which is then published in the *Gazette*. After the lapse of a sufficient interval of time, the Bill is read a second time, after which it is referred to a committee of the Legislature, whose duty it is to consider and amend, if necessary, the Bill in all its details. The Bill is then read a third time after such discussion as is necessary.

Such, then, are the main provisions of the new Act in regard to the legislative authorities. But much also depends upon convention. This has been particularly the case in England, where the Cabinet, the post of the Premier and the growth of political parties have developed by convention instead of by enactment. It is impossible to prophesy the part which convention will play in the growth of the Indian Constitution. Will there be rigid political parties as in England and, if so, on what basis will they be formed? Will there be an Opposition, with a Leader of the Opposition, as in England, who will be prepared not

merely to criticize, but, if need be, to take up the reins of government? It can only be hoped that the Act will, in the course of time, be reinforced by conventions suitable to the needs of the country. The Act can only provide the framework; it is for the members of the legislatures and for public opinion to provide the life of the body politic.

CHAPTER VIII.

THE JUDICATURE.

"The law itself has been administered without disrespect to creed or caste, or to usages and ideas rooted in your civilisation. It has been simplified in form, and its machinery adjusted to the requirements of ancient communities slowly entering a new world."

KING EDWARD VII., PROCLAMATION, 1908.

"In form, intelligibility, and in comprehensiveness, the Indian Codes stand against all competition." SIR HENRY MAINE.

"It is not by believing ourselves or our laws all purity or all corruption that we are likely to come to a right understanding of what is best for India, but by a close study of its past history, and then by setting ourselves down, each in his own sphere, and working out the details of a code honestly and ably prepared, not shifting and changing from day to day, but founded on experience, and suitable to a rude and simple people, who like all other people under the sun prefer justice to law." SIR HENRY LAWRENCE.

"In the vast field of Indian polity it is in the sphere of law that the English have afforded the highest example of scruple, ingenuity, and tenacity, and it is here that the reader who seeks for practical instruction will find most to learn." M. CHAILLEY.

"Our first duty, the first duty of any Government, is to keep order." LORD MORLEY.

The administration of justice in early times.

IN the early days of its rule the Company was satisfied with the provision of Courts for the trial of cases between Europeans, and early in the eighteenth century Mayor's Courts were established in the three Presidency towns, with the right of appeal to the Government and, in certain cases, to the King-in-Council. At the time of the transference of the Diwani to the Company, Clive set up what was

known as the Dual System. Criminal justice remained in the hands of the Nawab and was administered in accordance with Muhammadan law by Muhammadan judges. The collection of the revenues and the administration of civil justice became subject to the control of the Company's officials, but, as a matter of fact, were still conducted by the old Indian judges. This system soon proved a failure. On being transferred from Madras to Calcutta, Warren Hastings soon showed that organizing ability which was so remarkable throughout his long career in India. The judicial system, amongst others, was revised. In the districts the Collector, a member of the Company's service, was placed in charge of the local Civil Court, where he was assisted by Hindus and Muhammadans; and for petty cases there were subordinate judges. Over and above these were first of all the Provincial Courts of appeal and finally the Sadr Diwani Adalat. Criminal justice was subject to the supervision of the Collector, but was still administered by Muhammadan judges, and a Sadr Nizamat Adalat or final Criminal Court of Appeal was established.

Conflicting jurisdiction.

Shortly afterwards the Regulation Act was passed, which, besides reforming the political government, also dealt with judicial matters. A Supreme Court of Judicature was established at Calcutta, with a Chief Justice and three other judges who were appointed by the Crown. A similar Court was instituted in Madras in 1801 and in Bombay in 1823. Appeal was allowed to the King-in-Council in cases where a sum above Rs. 4000 was involved. The Act, however, was obscure in that it failed to lay down the relations between the Executive and the Courts, or to define the powers of the Supreme Court over the actions committed by servants of the Company in discharge of their official duties. The violent quarrels which took place between the Government and the Supreme Court during Hastings' time caused certain amendments to be made in the Act which strengthened the hands of the former. There was also a vagueness in the Act as to what law should be in force. The Supreme Court administered justice in

accordance with the principles and procedure of English law, but the Sadr Courts applied as far as possible Hindu or Muhammadan law in conjunction with such "Regulations" as were laid down from time to time by Government. These Courts, with their conflicting ideas of justice and their different codes, continued side by side for several years. The administration of justice, therefore, became more and more in a state of hopeless confusion. "In the greater part of India," says Sir John Strachey, "the Criminal Law and Procedure were a jumble, based on the old Muhammadan law eked out and rendered tolerable by the Regulations and Acts of our own Government, by fragments of English law, and by the decisions and instructions of the Supreme Courts." Civil justice was in an even worse state. The same authority is of the opinion that the Civil Courts often seemed to be intended rather for the performance of certain forms and ceremonies than for the administration of justice.

The Civil and Criminal Codes.

The codification of the law, Civil and Criminal, and the rearrangement of the Courts were indicated as essential reforms. Hitherto, as has been seen already, there were two systems existing side by side. For many reasons the British Government had been reluctant to supersede the Hindu or Muhammadan law, and it was one of its guiding principles to respect as far as possible the laws and customs of the country. A compromise whereby the best of both systems, the eastern and the western, could be retained seemed the best solution of the difficulty. It was necessary to examine carefully how much of the old Hindu and Muhammadan law could remain with due regard to the demands of justice and humanity. In 1833 a fourth member of Council was appointed to supervise this work. Lord Macaulay held office for four years, and it is due largely to his efforts that after a lapse of twenty years the Penal and Criminal Codes were completed. Three Commissions, sitting at various times, dealt with the yet more difficult task of compiling a Civil Code. Various writers bear testimony to the excellence of these

Codes. "Among all the laws of India," says Sir John Strachey, in connection with the Criminal Procedure Code, "there is none more important than this, which regulates the machinery by which peace and order are maintained, and by which crime is prevented and punished. It describes the constitution of all the Criminal Courts; it defines the power which each Court can exercise; it classifies the offences under the Penal Code or other laws, which each judge or magistrate can try; it regulates the manner in which police investigations are to be carried on; the powers of the police to make arrest, with or without the warrant of the magistrate; the proceedings to be taken for keeping the peace and for preventing unlawful assemblies, and for the removal of public nuisances; the manner in which accused persons are to be brought before a magistrate, in which inquiries or trials are to be held, in which evidence is to be heard and recorded, in which commitments to the Supreme Courts are to be made; it contains rules for the trial of cases with juries and assessors, for the admission of appeals, for the revision of sentences and orders by the Superior Courts, and for many other matters more or less directly connected with criminal procedure." M. Chailley also, in speaking of the administration of justice, civil and criminal, in India, states that, "not only judges and pleaders, but officials, high and low, British and native, are thoroughly acquainted with the laws under which they have to work, and understand what these require, permit or forbid." These codes are sometimes revised, the most notable additions being made in 1872 by Sir James Fitz-James Stephen.

The Indian High Courts Act was passed in 1861, when vital changes were made. The old Courts disappeared, and in their place a High Court was established at Calcutta, Madras, and Bombay; and, a short time later, at Allahabad. High Courts have also been constituted in Bihar and the Punjab. In Rangoon there is a Chief Court, the judges of which are appointed not by the Crown, but by the Governor-General-in-Council.

The High Courts.

In the other Non-regulation provinces the place of a High Court is taken by that of the Judicial Commissioner. There is still a Judicial Commissioner in Oudh and in Sind. Judges of the High Court are appointed by the Crown. Rules and regulations with regard to their salaries and pensions have been drawn up, and may be revised by the Secretary-of-State-in-Council, but no alteration may affect the position of any judge already appointed. Members of the Judicial side of the Indian Civil Service of not less than ten years' standing, and with three years' previous legal experience as a District Judge, barristers of England and Ireland and members of the Faculty of Advocates in Scotland of not less than five years' standing, and those in India who have had a certain experience as a subordinate judge, or who have practised in the High Court for a period of not less than ten years, are all eligible for the bench of the High Court. The Chief Justice must be a barrister with the necessary qualifications, but in the case of a temporary appointment any of the existing judges may be selected. At least one-third of the judges must be members of the Indian Civil Service, and at least another third must be barristers or advocates with the qualifications mentioned above.

Powers of the High Courts.

The High Courts have ordinary original jurisdiction in civil and criminal cases, within such limits of each of the Presidency towns as are laid down from time to time by the local Government, except at Allahabad where the High Court has no original jurisdiction beyond the cases of Europeans accused for criminal actions. They are also Courts of Appeal from all the subordinate Courts, Civil and Criminal, within the limits of the province. They are, moreover, the authority in all matters connected with wills, bankruptcy, and, in the case of Christian subjects, of divorce. They are not entitled to exercise any original jurisdiction in matters connected with the revenue or its collection, so long as it is made in accordance with the regulations at that time in force. The Governor-General, the Governors, and the members of the Executive

Councils are exempted from the jurisdiction of the High Court in any action that any of them may have taken in the performance of his public duties, nor are they liable to arrest or imprisonment. The Chief Justice and the High Court Judges have these same immunities. It is within the province of the Chief Justice to decide which judge or judges shall preside over each case that may be brought before the High Court.

Powers of supervision and rights of appeal.

The High Court also has powers of supervision over all the inferior Courts, and makes rules and regulations, subject to the sanction of the Executive, for the convenient carrying out of business in these Courts. In all cases held in the inferior Courts the evidence is recorded and submitted when required to the High Court, which is thus enabled to revise, if necessary, the proceedings of these Courts. It has the power to call for returns and demand explanations, and can transfer any suit from one Court to another of equal or superior jurisdiction. A subordinate judge may be suspended by order of the High Court, but the final punishment is in the hands of the local Government, to whose notice the Court is bound to bring the charges made. An appeal lies from a decision of the High Court in its original capacity to a bench of two or more judges of the High Court. Under certain conditions appeal may be made against the decisions of the High or Chief Courts or of those of the Judicial Commissioners to the Judicial Committee of the Privy Council in London, which may be looked upon as an Imperial Court of Appeal for Indian and Colonial cases.

Criminal Justice.

The administration of criminal justice may differ to a certain extent in the various provinces, but the main features are the same. There are seven classes of Criminal Courts in most provinces:

1. The High Court for cases within the Presidency towns and for appeal from other Courts.
2. The Sessions Court.
3. The Courts of First Class Magistrates.

4. Courts of Presidency Magistrates in the Presidency towns and of City Magistrates in certain other towns.
5. The Courts of Second Class Magistrates.
6. The Courts of Third Class Magistrates.
7. The Courts of Honorary Magistrates of the First, Second, or Third Class.

The relations of these Courts to each other, their constitution, and the procedure adopted in each are subject to the conditions of the Code of Criminal Procedure. In every district there is a Court of Sessions presided over by the Sessions Judge, who may be assisted by Additional or Assistant Sessions Judges. These judges perform much the same duties as a Justice of Assize in England. They try all cases committed to them, and, subject to appeal, may enforce even the maximum penalty, though the death sentence needs the confirmation of the High Court. Below the Sessions Court are those of the Magistrates, which are graded into certain divisions. The Presidency Magistrates, whose Courts are in the Presidency towns, and First Class Magistrates elsewhere, may inflict penalties up to two years' imprisonment, or a fine of one thousand rupees; and in Non-regulation provinces their powers are even more considerable. Magistrates of the second class may sentence up to six months' imprisonment, or a fine of two hundred rupees, and those of the third class up to one month's imprisonment and a fine of fifty rupees. As a rule, the First Class Magistrates are the Collectors, the Assistant and Deputy Collectors, the second class are the Tahsildars or, in Bombay, the Mamlatdars, and the third class are the head Karkuns. All the magistrates are appointed by the Local Governments and are subordinate to the District Magistrate, whether he be called the Collector or the Deputy Commissioner. Much useful work is done in the large towns by the Honorary Magistrates, who relieve the congestion in the other courts by trying cases of smaller importance. In some parts of India also the Patels possess petty criminal powers, and thus can render prompt punishment for small offences.

The rights of appeal are more liberal than in England. An appeal may be made against the decision of a second or third class magistrate to the District Magistrate, or to any other first class magistrate specially empowered; and appeals from the decisions of a first class magistrate may be made to the Sessions Judge, whose original decisions are subject to appeal to the High Court. In any instance where there may appear to have been some irregularity in any of the lower Courts the High Court has the right to call for papers, make investigations, and, if need be, reverse the decision of the lower Court. The prerogative of mercy can be exercised in India either by the Governor-General or by the local Government concerned. In India, criminal cases are sometimes tried by a jury, but the system is somewhat different from that practised in England. In the High Court the jury consists of nine persons, and in other places of such number up to nine being uneven as is decided by the local Government. It is not necessary in India, as in England, for the jury to be unanimous. Many complaints are heard as to the inefficiency of the jury system, and, undoubtedly, in many countries it is very difficult to find a satisfactory jury. This has been the case sometimes in India, and in many districts juries have not been appointed; in lieu of them there are assessors who help, but do not bind, the judge by their opinion. Moreover, in the event of a verdict of a jury appearing to be radically wrong the Sessions Judge may refer the case to the High Court for revision. There is an exception to the rule that all criminal cases before the High Court are tried by a jury. The Criminal Law Amendment Act of 1908 provides a special procedure in the case of those tried for offences committed against the State. In these instances the case may be decided by a bench of three judges, but the sanction of the Governor-General-in-Council or the local Government must first of all be obtained. The duty of holding an inquest on the dead bodies of those who have come to an untimely end is performed in India by the police, subject to the orders of

Appeal and procedure.

the magistrate; but in Calcutta and Bombay there is a Coroner who is assisted by a jury.

In Civil as well as in Criminal Courts there are slight differences in the arrangements and the names of Courts in the various provinces. Roughly speaking, the Civil Courts may be divided into these classes:

Civil Justice.

1. The High Court.
2. District Courts.
3. Small Causes Courts.
4. Courts of First Class Subordinate Judges.
5. Courts of Second Class Subordinate Judges.

Within the limits of the Presidency towns all civil cases would ordinarily come before the High Court, but for a speedy and a less expensive system of justice Small Causes Courts have been established. These Courts, subject to certain conditions, deal with money suits, where the amount involved does not exceed two thousand rupees, and, in certain cases where both parties agree, suits involving a sum over and above two thousand rupees can be tried there. They may be likened to the County Courts in England, and both have served a very useful purpose in hastening the wheels of justice and lessening the cost of litigation. There is no appeal from the Small Causes Court, though in certain cases the judge can refer to a higher Court. In the districts there are similar Courts established, but the limit of cases which may be tried in them is lower than in those of the large towns.

The District and Sessions Judge, besides his duties as a criminal judge already described, is responsible for the management of all the inferior Civil Courts within his district, and it is his duty to distribute the work amongst those Courts. Every suit is tried in the lowest Court competent to try it. The subordinate judges are divided into certain fixed classes, and may try cases up to the amount permitted in their class. In some of the provinces there are village munsifs who may try cases of a petty nature, and, subject to the agreement of

The District Judge.

both parties, matters of a greater importance may be brought before them. There is a right of appeal against decisions of the subordinate judges to the District Court, and, in some instances where a large sum of money is involved, to the High Court direct, whilst appeals may be made to the High Court against the original decisions of the District Court, and, on points of law, against its judgments on appeal.

A very large number of the judicial posts are in the hands of the Indians themselves. It has been seen already that Indians may, and often do, sit on the bench of a High Court. The District and Sessions Judges are usually recruited from the members of the Indian Civil Service, but almost all the posts inferior to that of a District or Assistant Judge are filled by Indians.

European subjects and the Courts.

A few words are necessary as to the position of European British subjects in Indian Courts. In civil cases no distinction whatever is made between Europeans and non-Europeans. Till comparatively recent times European subjects could only be tried for criminal offences before a High Court, and, in consequence, much injustice was done to Indians who were forced to prosecute in an expensive Court perhaps hundreds of miles away. In 1872 the rule was relaxed, when magistrates of the highest class and Sessions Judges were allowed to try criminal cases where Europeans were involved, and to inflict punishment within certain limits. In 1883, what is known as the Ilbert controversy took place. The Government of India proposed largely to extend the jurisdiction of the inferior Courts over Europeans, but this proposal met with the keenest opposition from certain quarters. Eventually a compromise was arrived at. A European may now be tried before an Indian magistrate or judge who has attained the rank of a District Magistrate or a Sessions Judge respectively, but he retains the privilege of claiming to be tried by jury, one-half of which must be composed of Europeans or Americans.

Reference has already been made to the Law Member of the Governor-General's Council and to the duties he has to

perform. In the services of the Provincial Governments is the Legal Remembrancer, whose duty is to draft the Bills submitted to the Legislative Council, and to advise Government generally on legal matters. In some provinces there is an Advocate-General who advises Government as to the conduct of its cases. A similar agency is utilized in the lower grades of the judicature. In the District Courts the officials are assisted by Government pleaders who conduct cases on their behalf before the Courts. In the Presidency towns there is a sheriff. He is appointed by Government for a period of one year, and is a citizen of high standing. His judicial duties consist mainly in the empanelling of juries. In his public capacity he may be called upon to summon public meetings for the discussion of matters of great importance.

Law Officers.

CHAPTER IX.

THE POLICE AND JAILS.

A LARGE annual grant is given to police and jails; and the amount is steadily rising. The maintenance of law and order in a country such as India where the population is so scattered, must necessarily be both important and expensive; and the combination of efficiency and economy is a task of the greatest difficulty.

Difficulties of Police in India.

In the early part of last century Lord Hastings was engaged in warfare with the Pindarees, an outlaw tribe, when a force of over a hundred thousand men had to be employed before the enemy were defeated. Some time later there were bands of men, known as Thugs, bound to each other by ties of secrecy and co-operation, who infested the country and robbed the unwary traveller. Owing to the devoted zeal of Lord William Bentinck, Sir William Sleeman and others, these horrible crimes were put down, but there is still much to be done. Robbery is very easy in India where houses cannot be closed at night as in cooler climates, where the people are accustomed to carry their wealth on their persons in the shape of jewellery, and where wholesale brigandage, known as dacoity, is still practised.

In the days of the Company there was very little attempt made at any organization of a public system of police. In 1861, however, a commission of inquiry was held and proposals were made for the provision of a police force. There can be little doubt that in recent years there has been a vast improvement in the organization, honesty, and efficiency of the police.

Organization of the Indian Police.

A commission of inquiry was appointed in 1902, which issued a report of much importance and suggested improvements which would increase the annual cost of the police by a sum of £1,000,000. The management of the police is in the hands of the local Governments, each of which has its own constabulary; and, indeed, in Bombay each district has its own force. At the head of each provincial department is an Inspector-General, who is assisted by his deputies located in various parts of the province. In each district there is a District Superintendent of Police, who is assisted by Assistant and Deputy Superintendents. The highest or imperial branch of the police service is recruited by means of a competitive examination in England. The deputy superintendents are usually appointed locally, and may on promotion hold posts usually filled by members of the imperial service. In the Bombay Presidency there is the Central Police Training School at Nasik, where the young officers, whether they be appointed locally or from England, are given a training in law, languages and in drill. In the Presidency towns and in Rangoon there is a separate organization under the charge of a special commissioner, who is sometimes a member of the Indian Civil Service. There is also a separate force for the protection of railway property, under the command of a railway officer. In addition to the ordinary police, there is a reserve which may serve useful purposes. Recruits are taught their duties during a term of service in the reserve; escorts are provided, and a force is ready at hand to go to any district where help may be required. There is also the Central Criminal Investigation Department—originally the Thagi and Dakaiti Department—whose duties are to collect information and, if possible, to bring to justice gangs of men who commit offences in various parts of the country and thus baffle the efforts of the local police.

The ancient village communities in India, as well as in England, were held responsible for the maintenance of law and order, and for the suppression of crime. Mountstuart Elphinstone has given the following description of

the duties of the village police in the Deccan during the rule of the Mahrattas. "The Patel is responsible for the police of his village, and is aided, when the occasion requires it, by all the inhabitants. His great and responsible assistant in matters of police is the village watchman (Chaukidar). Though there is only an allowance for one watchman in a village, the family has generally branched out into several members who relieve and aid each other in their duties. The duties are to keep watch at night, to find out all arrivals and departures, observe all strangers, and report all suspicious persons to the Patel. The watchman is likewise bound to know the character of each man in the village and, in the event of a theft committed within the village bounds, it is his business to detect the thief." The system does not appear very satisfactory, but Elphinstone found the country by no means a scene of anarchy and disorder, and he contrasted the state of the Deccan very favourably with that existing in Bengal at the same time. This satisfactory state of affairs may, in his opinion, have been due to some extent to the fact that all the powers of the State had been united in the same hands, and also that trial was summary and punishment prompt and severe.

The Village Police.

It has been the policy of the British Government in India, as far as possible, to adapt its methods to the habits and customs of the people. Elphinstone tried to preserve unimpaired the system he found in operation and was content mainly with a closer supervision over the village police. The commission of 1861 also advised that the old village police be retained on their existing footing. In Madras the village headman is responsible for the maintenance of law and order; and in the larger villages of the Bombay Presidency there are, besides the Patels, the Police Patels who have petty criminal powers; in certain other parts of India, as in Sind, the zemindars assist Government in the preservation of law and order. The Chaukidar also remains, and his duty is to report crime; but his functions are various and

Village Police under British Rule.

extend to the arrest of offenders, the general aid of the police, the maintenance of watch and ward over bad characters and suspicious persons, and the general supply of local information. He receives rent-free lands or small sums of money from Government.

Responsibility of the People in maintaining Law and Order.

A police system, however efficient it may be, cannot be really satisfactory unless it is supported by the people themselves. Great efforts are being made to render the police efficient. In olden times people, both in England and India, were held responsible for keeping the peace. A citizen was bound not merely to abstain from criminal actions himself, but also to assist in bringing offenders to justice; he was indeed his "brother's keeper." The old system, dependent entirely on the village organization, is obviously out of date to-day, but the present system needs for its success the active support rather than the passive opposition of the people for whose benefit the force is maintained.

Methods of Punishment.

The imposition of punishments and the maintenance of jails is a difficult problem in any country. In England, up till almost recent times, the Penal Code was very severe; and the punishment of death was meted out for what would now be considered petty offences. The result was that those who had committed small thefts were tempted to murder their victim and thus render escape more secure, the punishment in either case being the same. The number of serious crimes, therefore, was increased to a most alarming extent. Under Muhammadan rule in India we read that impalement, mutilation, and flogging were ordinary forms of punishment; and in the early days of the British occupation mutilation was still practised. Vast improvements in these respects have been made both in England and in India during recent years. The limit of punishment for each offence has been laid down in the Indian Penal Code, and the more serious offences can only be tried before the highest tribunals. Changes have also been made by the advance of modern civilization in the methods adopted in judging the

heinousness of an offence. In the olden days it was the amount of damage done which constituted the crime, and the punishment varied accordingly. Modern justice seeks rather to find out the motives which inspired the crime. The cold-blooded murder of a poor man is far more worthy of severe punishment than the murder of a rich man for reasons of self-defence or under extreme provocation.

Prisons in olden days.

The condition of prisons in the olden days was also very bad in England as well as in India. The prisoners were herded together in overcrowded and insanitary jails, hardened offenders and comparatively innocent boys inhabiting the same wards. Under such depressing circumstances the latter soon learnt to imitate the former, and left the jail without hope. The prisons and even the courts were death-traps of disease, and there was in many cases little chance of the prisoner leaving the jail alive. Moreover, punishment was meted out with extraordinary severity and brutality.

Improvements in the Prison system.

It was towards the end of the eighteenth century that a feeling of dissatisfaction arose. John Howard took the matter in hand and within a few years visited almost every jail in England. In consequence of his action many changes were instituted, and to-day the English prison is a very different place from what it was a hundred years ago. A prison is now not merely a place of punishment, which is necessary if only as a deterrent to others, but also one where the character of the delinquent may be improved by steady discipline and by learning a trade which he can practise after his release. In Indian prisons also reforms have been made. Sir John Strachey is a keen supporter of the present system. "Every district," says he, "has its jails, and there are central prisons in convenient situations. Although not in all respects managed on the system adopted in England, there are few countries in Europe where the jails are so well looked after. A great Indian prison is a model of cleanliness and good management."

In each province there is an Inspector-General of Prisons who is usually a member of the Indian Medical Service, as also as a rule are the superintendents of the central jails. The district jails are subject to the inspection of the District Officer and the Civil Surgeon. The jailors are members of a specially graded service, and in some cases certain convicts are employed to supervise the others. Besides the central and district jails there is the penal settlement at Port Blair in the Andaman Isles, whither those sentenced to transportation are sent. Provided that his conduct has been satisfactory, a convict can, after a certain number of years, settle down on a plot of land and send for his family; and indeed most of the convicts are employed in some sort of work. The whole settlement is in charge of the superintendent who is responsible to the Government of India. In India itself, the central prisons are reserved for those sentenced to a long term of imprisonment, whilst the district and local jails are used for those convicted of minor offences.

Organization of the Prison Service.

A few features of the present system may now be added to indicate the lines of improvement. Much importance is attached to discipline. The average length of a day's work amounts to nine hours. In some cases the convicts are employed on large public works outside the walls, but they are usually confined within the prison compound. The ordinary work of the jail is done by them, and, besides, they engage in such business as tent-making, printing, and carpet manufacture. By such means the expenses of the establishment are reduced, and, what is far more important, the prisoners learn habits of industry which, it is hoped, are retained after their release. The various classes of criminals, the women, the sick, and the habitual offenders, are kept separate as far as possible.

Improvements in the Indian Jails

Boy offenders are sent to Reformatory Schools. In the Bombay Presidency there is such an institution at Yeravda, near Poona. The discipline is naturally stricter than in the ordinary school, and instruction is given not only

in reading and writing, but also in industrial work. Some of the boys are engaged in carpentry and others in blacksmith's work, or in painting, polishing and bookbinding. An attempt is made not only to give the boys a new start in life, but also to keep in touch with them after they have left the school. Great progress has also been made in the improvement of the sanitary arrangements of the prisons, by which the death-rate has been decreased, and at the present time is very little higher than that of the working classes outside.

Yeravda Reformatory School.

A Commission has recently been appointed, under the chairmanship of Sir Alexander Cardew, to consider the question of jail administration. The Commission visited jails in many countries in Europe.

CHAPTER X.

FINANCE.

"The essence of Indian finance lies in the relations between the Imperial and the Provincial Governments. The Imperial Government has to finance itself, but it has also to see that the Provincial Governments are not starved." *The Times* (Leading Article).

Characteristics of good Finance.

IN the management of the finances of any country these points should especially be noted: (1) The collection of the taxes should be made in the most economical and business-like manner possible. In some countries the cost of collection has been so great that by the time the proceeds of the tax reach the Exchequer very little remains. In other cases, either through the weakness of the administration, or through the fact that certain people are exempt from payment, the tax is not levied to its fullest extent; or, again, the system of "farming" the taxes is in vogue. In these instances, the privilege of collecting the tax is sold to an individual or individuals, who keep for themselves whatever they may collect over and above the amount paid to the State for the privilege. This is a particularly iniquitous system in that it is uneconomical and may also lead to the oppression of the poor. (2) The taxes should be of such a nature that they provide the State with an amount sufficient for the needs of the administration, and their burden should fall on all sections of the community, especially on those most capable of paying. (3) The expenditure should be carried out without extravagance. Let us now see how far the management

of Indian finance has been conducted satisfactorily in these respects; and also to what extent recent changes have improved the system.

Control by Parliament.

The British Parliament has no control over the Indian revenues, except that no money can be spent on military operations beyond the frontier without the consent of both Houses of Parliament. A financial statement is placed before the House of Commons every year, but a proposition only that such accounts are in order is put to the vote. The salary of the Secretary of State and the expenses of his establishment are now paid from the revenues of the United Kingdom. This amount therefore must be voted by the House of Commons. By this means it is open to a member of the House of Commons to challenge the policy of the Secretary of State by moving a reduction of his salary. This was actually done in 1920, but the proposal was negatived by the House of Commons. Both the British army stationed in India and the Indian army are a charge against the Indian revenues, and both are available to Great Britain in times of stress, as in the recent war. Indirectly, India gains much financially from her connection with Great Britain in the protection of her fleet and in the low rate of interest she pays on such money as she chooses to borrow in the London money market.

Control by the Secretary of State.

The Act of 1858 laid down that the expenditure of the revenues of India, both in British India and elsewhere, shall be subject to the control of the Secretary of State in Council, and no grant or appropriation of any part of those revenues shall be made without the concurrence of a majority of votes at a meeting of the Council. Since that time, it has been the practice of the Secretary of State in Council to give considerable latitude, subject to restrictions, to the Indian Governments. The rules drawn up in accordance with the Act of 1919 have gone much further in the same direction. The sanction of the Secretary of State is only required in exceptional cases of a personal nature, such as the increase in the

emoluments of officials above the prescribed scale, the increase in the number of officials belonging to the all-India services, the granting of pensions or gratuities not permissible under the rules, or an increase in the sumptuary allowances of Governors. This check is very necessary as these items of expenditure are not submitted to the vote of the Legislative Councils.

In the old days of Company rule there was no definite finance department to supervise the collection and expenditure of revenues. After the government was transferred to the Crown, Mr. James Wilson came out to India as the first finance member. The problems that awaited his decision were very difficult. Owing to the Mutiny the debt of the country had been increased very considerably, and there was need of increased expenditure in almost every department to enable the Government of the country to be carried on and order to be restored. Certain new taxes were levied, but it was chiefly by careful management that the position was improved.

Management of Indian finances.

The second stage in the history of Indian finance is now reached. It is essential that those who spend the money should also have some responsibility for its collection. This used not to be the case in India. At first, the Government of India kept all financial control in its own hands, and the provincial Governments had little incentive to economy. Sir John Strachey in this connection has written these words: "The result was a complete absence of real financial control, frequent wrangling between the supreme and provincial Governments, and interference by the former, not only in financial but in administrative details, with which the local authorities alone were competent to deal." His brother, Sir Richard Strachey, has added that "the distribution of the public income degenerated into something like a scramble, in which the most violent had the advantage, with very little attention to reason; as local economy brought no local advantage, the stimulus to avoid waste was reduced to a

Provincial Governments and Finance.

minimum, and as no local growth of the income led to local means of improvement, the interest in developing the public revenues was also brought down to the lowest level." In 1867, Lord Mayo saw that some financial responsibility had to be delegated to the provincial Governments. At first a fixed sum was given to each, and thus increased expenditure could be met either by more careful management or by local taxation. Some ten years later, Lord Lytton, acting on the advice of Sir John Strachey, substituted a share in the revenues for the fixed grant. By these means the provincial Governments were interested not merely in economical expenditure, but also in the careful collection of the revenues. The amount of the share was at first subject to revision, but during the early years of this century a more permanent arrangement was made. A division of items was made between the imperial and the provincial Governments under the headings, imperial, provincial, and divided. The revenues were divided up, roughly speaking, as follows: salt, opium, customs, and tribute from native states were wholly imperial. Land revenue, stamps, excise, and assessed taxes were divided between the imperial and the provincial Governments; and the provincial Governments took all receipts under registration. The expenditure was divided up roughly as follows. Home charges, payment of interest on debt, the maintenance of the defence forces, the central administration, and foreign affairs were wholly imperial. Certain departments, such as the posts and telegraphs, the mint and the railways, having a general rather than a purely local interest, were also imperial. Irrigation was divided between the two accounts. The provincial Governments provided the money for such matters as education, police, health, and sanitation. They thus had large powers and responsibilities, but they were merely the delegates of the Government of India, and carried out their duties subject to its approval and control. Moreover, they had no borrowing powers; and their budgets had to be submitted beforehand to the Government of India for sanction.

A proposal for provincial taxation, like any other project for provincial legislation, had to be referred for sanction to the Government of India and to the Secretary of State.

Lord Chelmsford and Mr. Montagu found that this system of strict control over provincial finances stood in the way of the development of provincial responsibility. For this reason great changes have been made under the Act of 1919.

Changes under the Act of 1919.

In the first place, a provincial Government is permitted to raise loans on the security of the revenues allocated to it for such purposes as the improvement of irrigation or communications, reclamation of land, the maintenance of relief works in time of famine, or the carrying out of a housing or building scheme. The sanction of the Government of India must be obtained in regard to the rate of interest to be paid on the loan, the manner in which the money will be borrowed, and the manner and time in which the money will be paid back.

In the next place, the control over expenditure hitherto exercised by the Government of India has been considerably relaxed. The sanction of that Government is only required for certain new appointments and for expensive schemes of public works. The control is greater in the case of reserved than of transferred subjects.

The most important feature of the new reforms in this connection was the clear demarcation between imperial and provincial finance. Lord Chelmsford and Mr. Montagu condemned the principle of divided heads, that is, of the same heads of revenue being shared by the imperial and the provincial Governments. It has been resolved therefore that each Government will raise its own revenue in its own right, and that the divided heads should be abolished. The whole of income tax has been handed over to the Government of India, and the whole of land revenue, irrigation, excise and stamps to the provincial Governments. In order to make good the deficiency in the revenues of the Government of India, the provincial Govern-

ments each make annual contributions to the Government of India. The Legislative Council of a province may, subject to certain limitations, impose additional taxation in that province.

The powers of the provincial Legislative Council in regard to the revenues and expenditure of the Government have been explained in a previous chapter. Certain other matters need attention here. The Parliamentary Committee considered the difficult question of the principle on which the provincial revenues and balances should be distributed between the two sides of the provincial Governments. The Committee feared that friction might arise in this connection, and therefore suggested that the Governor of a province should be empowered to compose such differences. The rules drawn up in accordance with the Act provide that Governors may allocate the revenue and balances of the province between reserved and transferred subjects by specifying the fractional proportions of the revenues and balances which shall be assigned to each class of subject.

The Committee of Public Accounts.

There is in each Governor's province a Committee of Public Accounts. Not less than two-thirds of the members are elected by the non-official members of the Council, the remainder being nominated by the Governor. It is the duty of the Committee to scrutinise the audit and appropriation accounts of the province, and to report irregularities to the Council. There is also in each province a Finance Department with the Finance Member in charge.

Revenues of India.

The financial system in India being therefore in a state of change, it is of little value to examine in any detail the financial statements of past years. The following statement of the revenue of the Government of India for 1918-19 is given merely to indicate the sources from which that revenue was derived and to explain briefly the meaning of some of the items.

REVENUE.

	Accounts, 1916-17.	Revised Estimate, 1917-18.	Budget Estimate, 1918-19.
Principal Heads of Revenue—	£	£	£
Land Revenue -	22,041,265	21,611,100	22,798,600
Opium - - -	3,160,005	3,068,500	3,191,800
Salt - - - -	4,826,260	5,472,800	3,492,200
Stamps - - -	5,776,696	5,745,000	5,938,000
Excise - - -	9,215,899	10,076,800	10,647,000
Customs - - -	8,659,182	11,204,200	10,814,400
Income Tax - -	3,772,967	6,075,800	6,333,200
Other Heads - -	3,655,196	3,828,000	3,870,700
Total Principal Heads	61,107,470	67,082,200	67,085,900
Interest - - - -	1,136,504	2,245,300	3,552,600
Posts and Telegraphs -	4,174,607	4,492,100	4,782,800
Mint - - - -	689,866	530,700	376,000
Receipts by Civil Departments - - -	1,739,713	1,926,700	1,956,100
Miscellaneous - -	847,530	2,599,900	1,295,200
Railways: Net Receipts	21,313,797	24,051,600	22,983,700
Irrigation - - -	5,155,624	5,174,700	5,320,400
Other Public Works -	309,373	318,900	304,900
Military Receipts - -	1,575,946	1,502,200	1,532,700
Total Revenue -	98,050,430	109,924,300	109,190,300

Land Revenue is such an important and complicated subject that it will be considered in the next chapter apart from the other sources of revenue.

I. *Revenues derived from taxation.*

(a) *Salt Tax.* The history of the salt tax in India is interesting to all students of public finance. It is the only tax which must be paid even by the poorest classes. A

tax on salt is enforced in France, Germany, and other countries of Europe. In India, the revenue is derived partly from a tax on imported salt and partly by an excise duty on salt manufactured in the country, either by licensed factories or by a Government monopoly. Thirty years ago the amount of the duty was different in the various provinces, and this gave rise to the levying of customs duties on salt taken from one province to another. This was a very costly arrangement, and, moreover, it became a great hindrance to trade of all kinds. In 1882, the Government of India very wisely made arrangements for an equalization of salt duties in all the provinces. The amount of the duty has also varied. In 1888, the rate was raised from Rs. 2 to Rs. 2-8 a maund, but in 1903 it was reduced again to Rs. 2, and in 1907 to one rupee. In 1916, the rate was raised to one rupee and four annas a maund. The reduction in 1907 proved to be a wise measure. The amount raised by the tax decreased a little, but not to such an extent as would be expected as owing to the cheapness of salt much more was consumed. The fluctuations in the amounts raised by this tax are interesting as they provide a sure index to the prosperity or depression in the country. In good times much salt is purchased; in times of famine very much less is consumed. The Salt Department in the Bombay Presidency is controlled by the Commissioner of Salt, Excise, etc., who is assisted by a Collector, Assistant Collectors and minor officials.

(b) *Stamps*. This revenue is derived from two sources. In India, as in other countries, stamps must be placed on commercial documents. Besides these, fees are levied by the same means on proceedings in the law courts. The latter can scarcely be considered a tax; it is rather a payment or a contribution towards the maintenance of the courts by those who avail themselves of its services.

(c) *Excise or Abkari*. This item of revenue is raised from licences, fees, and duties levied on the sale of intoxicating liquors and drugs. Originally the system of "farming," as already explained, was in force, and the privilege

of manufacturing and selling these articles was sold to private persons. This arrangement has been modified of late years. Imported liquors come under the heading of "Customs," but the sale of licences to hotels, restaurants, and places of amusement is included in "Excise."

(d) *Customs.* The history of this tax has also been interesting and has been subjected to much criticism from time to time. The State has to consider not merely the collection of revenue, but also how far the imposition or remission of duties will affect the trade of the country.

It is not within the scope of this book to deal with the merits or demerits of a protective system, but it may be pointed out that both in England and in India opinions on this question are very varied. In 1860, imports were taxed at the rate of ten per cent. and in some cases an even higher duty was levied. In subsequent years the duty was reduced, and in 1875 it stood at five per cent. Proposals originating from the Home Government were then made to abolish the tax almost entirely, and were met by strenuous opposition from India. The Viceroy, Lord Northbrook, resigned rather than abolish the duties, and Lord Lytton succeeded him. The new Viceroy, by the help of his Finance Member, Sir John Strachey, was able to make a start in the new policy by reducing the cotton duties, although he had to overrule the majority on his Council. The total abolition of the import duties followed, except those on salt and liquor which were retained to counterbalance the excise duties levied within the country on these articles. In 1894, the poverty of the Exchequer demanded an increase of taxation. In consequence, an import duty of 5 per cent. was imposed, but an exception was made in favour of cotton. After some further changes, a duty of 3½ per cent. on cotton goods was levied as well as an excise duty of an equal amount on all cotton manufactured in Indian mills. It was hoped at the time that the arrangement would prove an encouragement to the hand-loom industry of the country, but how far it has been successful is open to question. In

the budget of 1916-17 the Customs Schedule was recast in order to provide additional revenue to meet the financial disturbance created by the war. The general import tariff was raised to 7½ per cent., except in the case of sugar. As India is the largest producer of sugar in the world, the import duty on this staple was fixed at 10 per cent. The import duty on cotton was not changed. In the budget of 1917-18, however, this duty was raised to the general tariff rate of 7½ per cent., while the excise duty on local cotton manufactures was maintained at the lower previous level of 3½ per cent.

The budget of 1916-17 imposed export duties on tea and jute. These duties were doubled in the succeeding year with a view to obtaining an additional revenue of £500,000.

(e) *The Income Tax* was first of all imposed in 1860. Since then it has been abolished and restored; and it is still in force. It is not imposed on incomes derived from agriculture or the tenure of land. Moreover, it is graduated in such a way that the rich pay on a higher scale than those who are only moderately well off, the poor being exempt altogether. The imposition of the income tax has caused much discontent in the past, but it is manifestly a fair means of taxation. It falls on the shoulders of the rich, and of many who otherwise would scarcely be paying their fair share of taxation. It is also the only direct tax imposed in India, and as such induces those who contribute to be more favourable to economy and opposed to extravagant demands on the public purse. In 1916, owing to the war, the tax on the higher incomes was raised considerably. The rates payable are now as follows: Incomes between Rs. 5000 and Rs. 10,000 are taxed at six pies in the rupee, or 7½d. in the pound; those between Rs. 10,000 and Rs. 25,000 at nine pies in the rupee, or 11¼d. in the pound; and those above that limit at one anna in the rupee, or 1¼s. in the pound. In the following year a super-tax was imposed. The super-tax begins in respect of incomes exceeding Rs. 50,000 and is levied on a graduated scale.

The Parliamentary Committee observed that nothing is more likely to endanger the good relations between India and Great Britain than the belief that India's fiscal policy is dictated from Whitehall in the interests of the trade of Great Britain; and the Committee lamented the fact that such a belief existed. India's position in the Imperial Conference has opened the door to negotiations between India and the rest of the Empire in the matter of tariffs; but negotiation must be followed up by legislation. The Committee therefore suggested that if the Government of India and its Legislature are in agreement on fiscal arrangements, the Secretary of State should intervene only in order to safeguard the international obligations of the Empire.

India's Fiscal. Policy

(f) *Registration.* This item is usually very small. It is necessary for all deeds of mortgage on the transfer of immovable property to be registered, for which certain fees, the amount of which depends on the value of the property, are charged.

II. *Revenues derived from sources other than taxation.*

(a) *Opium.* "In British India the Government prescribes rules for the cultivation of the poppy, the manufacture, possession, transport, import or export and sale of opium, and any contravention of such rules is subject to stringent penalties, which may extend to imprisonment for one year, a fine of 1000 rupees, or both." Opium is also produced in certain native States, and is known as Malwa opium; and on this a very heavy export duty is paid. There has been in the past a very considerable export of opium to China, the proceeds of which have brought in a large income to the Indian Government. In 1906, the Chinese authorities, being aware of the baneful results arising from the large consumption of opium by the Chinese, asked the British Government for its assistance in suppressing its use. The Government of China stated its intention of checking the cultivation of the poppy within

its dominions, and asked that the import of opium from India should also cease. It was arranged, therefore, that the Indian opium exports should be gradually decreased.

(b) *Forests.* Of late years the Indian Government have considered it one of their chief duties to look after afforestation. The careful supervision of forests affords not merely an annual income from the sale of timber, but also helps to bring about an increased rainfall. The work of the Forest Department will be referred to in a later chapter.

(c) *Posts and Telegraphs.* Of late years Government has usually gained a small profit on these items, which is the most satisfactory position possible. Its object is not to raise a revenue on this account, but to regulate the postal and telegraphic services on behalf of the people at the cheapest possible rate. In no country in the world are letters carried at so cheap a rate as in India. The business undertaken by these departments has increased very largely in recent years. In 1856, 38,000,000 letters, newspapers, or parcels were delivered, but in 1917-18 the number had risen to 1,150,000,000. The profits are used very often for the improvement of the services.

(d) *Railways and Irrigation.* The policy of the Government of India with regard to the control and management of the railways and irrigation works will be dealt with later. Many of the railways in India are the property of the State. Till the beginning of the century they were run at a considerable loss to the Government, but since that time, with one exception, the railway budget has shown a balance of receipts over expenditure, which includes working costs, the payment of interest on all loans, and all other charges.

(e) *Tribute from Native States* is a small item, and represents chiefly the payment in money of a former obligation to supply troops to the Government, and in some cases 'nuzzeranna' or fees on succession.

Expenditure.

A statement of expenditure by the Government of India in England and in India is given below.

EXPENDITURE.

	Accounts, 1916-17.	Revised Estimate, 1917-18.	Budget Estimate, 1918-19.
	£	£	£
Direct Demands on the Revenues - - -	9,328,668	9,950,300	10,454,800
Interest - - - -	1,174,864	7,797,500	7,784,300
Posts and Telegraphs -	3,441,387	3,599,000	3,931,400
Mint - - - - -	167,411	179,800	170,000
Salaries and Expenses of Civil Departments -	19,081,230	20,936,800	23,164,300
Miscellaneous Civil Charges - - -	5,414,272	5,894,800	5,671,500
Famine Relief and Insurance - - - -	1,000,000	1,000,000	1,000,000
Railways: Interest and Miscellaneous Charges -	13,831,922	13,876,800	13,782,000
Irrigation - - -	3,549,912	3,732,800	3,928,700
Other Public Works -	4,618,535	5,122,500	6,057,700
Military Services - -	26,566,757	30,284,700	30,532,700
Total Expenditure, "Imperial" and Provincial	88,174,958	102,375,000	106,477,400
Add Provincial Surpluses: that is, portion of allotments to Provincial Governments not spent by them in the year.	2,397,302	2,068,900	572,600
Deduct—Provincial Deficits: that is, portion of Provincial Expenditure defrayed from Provincial Balances.	..	231,200	441,200
Total Expenditure charged to Revenue.	90,572,260	104,212,700	106,608,800
Surplus - -	7,478,170	5,711,600	2,581,500
Total -	98,050,430	109,924,300	109,190,300

When the management of Indian affairs was transferred from the Company to the Crown, the Government of India took over the debts of the Company, amounting to 107 crores; and this sum has been increased for several reasons so that in 1914 the debt of India stood at 411 crores. The increase was due very largely to loans made for the development of railways and irrigation works. Though the Government had been borrowing money extensively for remunerative or public works purposes during the last few years, it had been paying off at the same time a large portion of what may be termed the ordinary or unremunerative debt. The money which would otherwise have been used for the reduction of the ordinary debt was spent on capital expenditure for public works purposes, and these sums were taken from the ordinary and placed against the public works debt. The result was that in 1914, "out of a total debt of 411 crores, only 19 crores represented ordinary or unproductive debt. The annual interest on the latter was only a crore, and on the productive debt about 13 crores, so that India's total interest charges then amounted to about 14 crores. On the other hand, railways and irrigation works which had been financed from the public debt yielded in that year a return of nearly 23 crores, which left a margin of nine crores of clear profit to the country, after meeting the interest charges of the entire debt."

Debt.

The finances of India were therefore in a very stable condition; and so much so that in 1917 the country was able to make a special capital contribution of £100 millions towards the expenses of the war. In 1918, therefore, the national debt of India stood at 558 crores, of which 133 crores only were included in the unproductive debt. The Indian War Loans in 1917 and 1918 were admirably supported by investors in India—in all, a sum of over £73 millions was raised. In the 1917 loan the number of investors, excluding purchasers of cash certificates, was 155,103; in the 1918 loan the subscribers numbered 227,706. The result was therefore most

India's War contribution: War Loans.

satisfactory. A habit of investment has been encouraged, which is good both for the investor and for the country.

In 1877-78, the Government of India resolved that a form of insurance was necessary to meet the extra expenses and loss of revenue incurred in times of famine. It was agreed, as far as possible, to put aside every year out of revenue £1,000,000. This money can be used either for the reduction of debt, or for the construction of public works which would otherwise have to be provided by loan. By this means provision is made for times of famine and distress. Under the Act of 1919 famine relief has been made a charge against the provincial Governments. The Bombay Government had to make in every year provision for Rs. 63,60,000 for expenditure upon relief of, and insurance against, famine.

Famine Relief and Insurance.

A certain amount of the revenues must necessarily be spent in England, and these charges are known as "Home Charges." They are met in this way. Indian exports exceed the imports by a considerable amount; and this involves a debt to India by the outside world, which is liquidated by purchasing bills on India issued by the Secretary of State. These bills are paid out of the Indian revenues. By this means two objects are attained with a minimum of trouble and expense. The debt of India to England for the charges referred to above is paid, as also is that of the European merchants to India on the excess of Indian exports over imports. Sometimes the balance in favour of India exceeds the amount of the home charges. The Secretary of State then issues bills in excess of what is required for home charges, and India benefits to the full amount by means of currency accommodation, or by an increased reserve to meet future liabilities.

Home Charges.

CHAPTER XI.

LAND REVENUE.

"At least £20,000,000 per annum is obtained in India by the land tax, but it would be as unreasonable to consider the amount as a burden laid on the people as it would be to consider that the whole rent which is paid to English landlords in this country (England) is an impost laid on the cultivator of the soil." FAWCETT.

"What is technically called a 'settlement of the land revenue' consists in the determination of the share of the produce or rental to which the State is entitled and in the record of all private rights and interests in the land." BADEN-POWELL.

"It is not in the Permanent Settlement of Bengal that the ryot has found his salvation; it has been in the laws which have been passed by the Supreme Government to check its license and to moderate its abuses." GOVERNMENT RESOLUTION, 1902.

History of Land Revenue.

IT has been the custom of the Government in India from very early times to derive a large portion of its revenue from the land. In the laws of Manu it is seen that a proportion of the gross produce from the land was due to the State. In early times this revenue was paid in kind, and represented the amount of grain which the rulers considered their fair share of the crops. The system had its advantages, and both the rulers and the cultivators received returns in accordance with the success or failure of the harvest. It was accompanied, however, by grave inconveniences owing to the difficulty of storing the grain, the large number of officials required, and the opportunities for peculation which it entailed. Under the rule of the Moguls the system of land revenue

became regularized. Akbar and his Hindu Minister, Todar Mal, tried to build up a strong Government whose authority would be felt in all parts of the country, and therefore established what is perhaps the greatest need of all Governments, an effective financial system. Land revenue henceforward was to be paid in cash rather than in kind, and a settlement was made as to the amounts due which would be in force for a number of years. A calculation was made from the prices of the last ten years, and one-third of the average crop was considered the right proportion due to the State. As the Muhammadan Empire fell into decay, the collection of land revenue became disorganized. The evil system of farming out the privilege of collecting the revenues became customary. These revenue farmers were in some instances the Hindu chiefs whom the Muhammadan rulers wished to conciliate, or else individuals having some claim on the State, either by their position or by past services. They were known in Bengal as Zemindars, and in Oudh and Gujarat as Talukdars. As time went on, "the Zemindars did just as they pleased, and made the villagers pay whatever they demanded, or whatever they could extract from them." The actual amount paid by the Zemindars from the proceeds into the Treasury depended very largely on the bargain they had been able to make with the Government.

Elphinstone and the Mahratta system.

In his official writings, Mountstuart Elphinstone has given a clear account of the way in which the Mahrattas collected the revenues at the time immediately preceding the incorporation of the Peshwa's territories in the Bombay Presidency. The central figure in those days was the Mamlatdar who was in charge of a district, and under him were the Tarafdars, each of whom had charge of a number of villages; and in some cases there were important officials called Darakdars, whose business was to supervise the work of the Mamlatdars and to prevent malpractices. The inferior revenue officials dealt with the village Patels, who settled with the raiyats the share each would have to pay. As time went on, changes

of an unfortunate nature were introduced into the system. The office of Mamlatdar was put up for auction and sold to the highest bidder, who in turn would let his district out at an enhanced rate to under-farmers. All interested in the collection of the revenue, therefore, from the Mamlatdar down to the Patel were in league together to exact as much as possible from the unfortunate raiyat, and there was little or no check whatever against abuse.

Diversity of Systems.

As each province was brought under the control of British rule, the system of collecting the land revenue was so arranged as to suit the special needs and requirements of the province concerned. It has thus come about that throughout British India there are many different methods by which the money is collected, and, therefore, the study of the land revenue system is extremely difficult and complicated. Moreover, the duty of the British Government does not usually end with the mere assessment and collection of the land revenue. In many cases it does far more than this by establishing a record even of the rights and interests of persons other than the individual or the body with whom the settlement is made. The task before the British Government, therefore, has been very formidable. In the early days, undoubtedly, many mistakes were made, and the exactions in some cases have been excessive. This was the case especially in the Deccan, though the trouble was due to a continuation of bad harvests rather than to anything else. It has been the work of British administrators in the past, many of whose names are now forgotten, to evolve a system which may not be perfect, but at any rate is far superior to any that preceded it.

Official organization.

The general supervision over all questions connected with the land is placed in the Revenue and Agriculture Department of the Government of India, which was first constituted as a separate department in 1871. The head of this department has a seat on the Executive Council of the Governor-General. The land revenue administration is mainly in the hands of the local Governments,

and varies in different parts of India. In Madras, where there are no Divisional Commissioners, there is a Board of Revenue consisting of four members. Two of these deal with all matters connected with the land revenue, the third with settlements and the registration of land records, and the fourth with other sources of revenue such as salt and excise. In certain other provinces, where there are Divisional Commissioners, the Board consists of two members. In the Central Provinces and Burma all the duties of the Board are fulfilled by a single Financial Commissioner; the Punjab has two. In Bombay, again, there is a different system. In that province there are Divisional Commissioners but no Board of Revenue or Financial Commissioner. The unit of the land revenue administration is the district presided over by the Collector in the regulation, and the Deputy-Commissioner in the non-regulation, provinces, who corresponds with the chief revenue authority or the Government through the Commissioner. Below him are the Assistant and Deputy Collectors. In most provinces a district is split up into a number of divisions called Tahsils or Talukas. The officer in charge is usually called the Tahsildar, but in Bombay the Mamlatdar, and in Sind the Muktyarkar. In the office of each of these officials is a staff of accountants and inspectors, whose business is to keep in touch with the village officials and see that the revenue returns are in order. There are, as will be seen later, different types of villages, but in most there is an official headman who has a direct or indirect responsibility for the collection of the revenue. The duties of the village accountant, called the Patwari in Northern, and the Kulkarni, Talati or Karnam in Southern, India, are very important, and on him "depends almost the whole of the revenue management, past and future." It is his duty to keep the village accounts, to have charge of the village maps and registers, to render returns showing crops sown and harvested, and to prevent any removal or destruction of boundary marks. Each year what is termed the Jamabandi of the village is made, at which

time the total amount of revenue due from the village is made out.

Before referring to the methods by which the land revenue is assessed and collected, it is necessary to allude to the various forms of land tenure in India. It has been seen that at the close of the eighteenth century the collection of the land revenues was in the hands of revenue farmers. In some places, as in Bengal, these men have become the actual landlords, and are recognized as such by law. In others, as in Bombay and Southern India, they have to a large extent disappeared, or, at the most, have retained certain "overlord" duties. "In the Madras and Bombay provinces," says Sir John Strachey, "the land is for the most part in the possession of peasant proprietors, with every one of whom the Government enters into a separate engagement. The tenure is called *Raiyatwari*." The same writer also quotes from the report of the Famine Commissioners of 1880 these words: "The tenure of the raiyat in Southern India is as simple and secure as well can be conceived. He holds his land in proprietary right, subject to the payment of the assessed revenue which is fixed for a period of thirty years. He has the option of resigning his entire holding, or any individual field, at the end of the agricultural year. His improvements cannot be made a ground for increasing his assessment at the time of the periodical assessment. He can sell, mortgage, or let his land to any one without requiring the consent of the Government, and at his death the land descends to his children according to the rules of inheritance." In Northern India a different system of tenure, known as *Zemindari*, prevails. The village there is the unit of assessment, and, as a rule, the Government deals with the landowners. These men who are called Zemindars, and in Oudh Talukdars, receive from the cultivators rent, a portion of which they pay to the Government in the shape of land revenue. In some parts, as in the west of the Agra province and in the Punjab, the village estates are held by small proprietors who are associated together in village communities. In

Zemindari and Raiyatwari Tenures.

these cases, "the community is treated as jointly and severally liable; and the body regarded as a whole is, in fact, the landlord." The Famine Commissioners reported that "these Communities are represented by an elected or hereditary head, and are jointly responsible for the payment of the Government revenue due from the entire village. Sometimes all the land is held in common, and the proceeds are thrown together and divided among the sharers by village custom. Sometimes the proprietors all have their separate holdings in the state, each paying the quota of revenue due from his plot, and enjoying the surplus profits of it." The enforcement of the joint responsibility has now, however, to a large extent become obsolete and the tenure of the small proprietors in North-West India differs little in practice from the raiyatwari.

Mr. Baden-Powell, who is looked upon as the authority on Indian land tenures, has perhaps given the most clear and concise definition of these two types of villages.

Baden-Powell and Land Tenures.

"The (raiyatwari) village contains a number of individual cultivating holders (who usually work the land themselves with the aid of their families, but often employ tenants). These holdings are separate units. The cultivators do not claim to be joint-holders of a whole area, nor do their holdings represent, in any sense, shares of what is in itself a whole which belongs to them all. They are, however, held together by their submission to somewhat powerful headmen and other village officers, and by use in common of a resident staff of village artisans and menials, who receive a fixed remuneration on an established scale, and sometimes have hereditary holdings of service lands." Of the Zemindari village the same writer gives the following description: "The important feature is that there is an individual, or a family (or a group of ancestrally connected bodies), which has the claim to be superior to other cultivating landholders, and, in fact, to be the owner or landlord of the entire area within the ring fence of the village boundary, as already existing, or as established by their own foundation."

The land "settlements," then, may be considered with reference both to the zemindari and the raiyatwari tenures; and in the case of the former it must be remembered that the landlord may either be a single man or a group of men forming a village community.

The Permanent Settlement.

Another distinction must also be made. Some of the settlements are permanent and others temporary. The former exist chiefly in Bengal, and also in certain parts of the United Provinces and the Madras Presidency. In 1793 the permanent settlement of Bengal was established by Lord Cornwallis. The zemindars, who in former years had been the revenue farmers of the district, were then recognized as the actual owners of the land, but by the terms of the settlement had to pay 90 per cent. of the rent thus collected to the State. Some authorities hold that the permanent settlement has had most satisfactory results in that the landholders have been able to improve and develop their estates without any fear of their assessment being increased. On the other hand, there would appear to be grave evils attached to the system. An attempt was made at the time of the settlement to protect the interests of the raiyat. It was a difficult task, however, in those days to make a satisfactory survey of the land, and, indeed, none was attempted. With the increase of population and wealth there has been more competition for the possession of land. The rental of some of the land in Bengal is forty times larger than it was at the time of the settlement. This is due to many causes, the industry of the raiyat, the building of railways, the increase of population, the assistance of Government, and, in some cases, the development carried out by the zemindar; yet the whole profit goes only to the latter. The raiyat, except when protected by the Tenancy Law, gains no benefit and the State receives in land revenue a far smaller percentage in Bengal than elsewhere. The Talukdars of Oudh hold their land in an entirely different manner. After the annexation of Oudh, in 1856, these men were scarcely treated with justice, and, as a result, they were in rebellion during the succeeding year. Lord

Canning was anxious, after the restoration of peace, to win over the landholding classes to the side of Government, and the Talukdars recovered their lost estates and privileges. The settlement, however, differed in many respects from that made with the zemindars of Bengal. The assessment may be altered from time to time; the land was carefully surveyed; and, fortunately, there is a record of the rights of all others connected with the land.

We may now turn to the other type of zemindari settlement, where the land is held, not by a single zemindar, but by a group of co-sharers who are responsible for the payment of the land revenue. This method of holding land is most common in the Agra and Punjab provinces. Much more care was taken there than in Bengal, and the settlements were revised at first every few years. An opportunity was thus given for reconsidering the system, and, after a time, it became obvious that a survey was indispensable and a permanent settlement unwise. Most of the settlements in India are therefore revised every thirty years. No increase in land revenue can be made until the next assessment, and when the proprietors have made improvements in their property they are protected from an increase of revenue on this account either in perpetuity or for a long term of years.

The raiyatwari system exists chiefly in the Madras and Bombay Presidencies. The chief organizer of the revenue system in Madras was Thomas Munro in the years before he became Governor of that province. Land revenue there takes the form of a certain proportion of the estimated *net* produce from each acre of land. In the raiyatwari districts a complete and regular survey of each individual field is an essential. In the Bombay Presidency a somewhat ingenious system is adopted. The revenue survey, which was started in 1835 by Mr. Goldsmid and Lieutenant Wingate, was only completed in 1901. The land classification is not fixed in terms of the produce at all, but rather on the depth and texture of the

Raiyatwari Tenure.

soil. [1] "The comparative variations in the fertility of soils are expressed for convenience of handling in parts of a rupee, 16 annas representing the valuation of a perfect field from which deductions are made for faults, such as slope or irregularity of surface, excess of lime or moisture, or inferiority in the character or depths of the soil."

During the rule of Lord Curzon the Government of India, with the assistance of the provincial Governments, made a prolonged investigation into the working of the land revenue system in India. Its officers, though in favour of extending as far as possible the periods of settlement, were opposed to the principles underlying the permanent settlement. They were of the opinion that the permanent settlement, as existing in Bengal, was no protection against famine, and that, moreover, it was the duty of the State to protect the interests of tenants living in that province against oppression at the hands of the landlords. The rate of assessment was also considered; and the conclusion arrived at was that over-assessment was not a general or widespread source of poverty or indebtedness. It was pointed out that a rigidity of system should be avoided; and that "a proportion of rent or of produce, which would leave a wide margin of profit in one part of India, might be vexatious elsewhere." Speaking roughly, the land revenue in most parts of India represents something less than 50 per cent. of the net income or rent, and something between 5 and 10 per cent. of the gross produce of the land. In the raiyatwari districts the average assessment is very often below 10 per cent. of the gross produce.

Lord Curzon's Reforms.

The inquiry referred to resulted not merely in a lucid exposition of the land revenue system under British rule, but also in certain improvements. The process of resettlement has been simplified and made less irksome to the people. Moreover, the revenue system in its early days appeared too rigid, and more flexible arrangements have now been made. It was found that an enhanced settlement sometimes bore heavily on those concerned, and a

[1] *Administration of Bombay*, 1911-12, p. 44.

gradual and progressive enforcement of large increases has been laid down. Again, it appeared that as the assessment was fixed on the basis of an average season, the burden of a bad season was too heavy, and it was wrong to assume that the ordinary man would put aside money in times of prosperity to meet payments in times of adversity. A system of suspensions and remissions of land revenue was therefore evolved by which these difficulties have very largely been overcome. A further change was carried out at the same time whereby the position of those affected by famine, sickness, or some other disability, might be promptly relieved by the remission or lowering of the assessment.

The present land revenue system in India is, therefore, a result of many years' experience and much careful investigation. Its main feature, both in assessment and collection, is its adaptability. Its study, therefore, is most complex and difficult, each province having its own particular system. The policy of Government in this connection is summed up in these words: "The true function of Government is to lay down broad and generous principles for the guidance of its officers, with becoming regard to the traditions of the province and the circumstances of the locality, and to prescribe moderation in enhancement, and sympathy in collection."

CHAPTER XII.

EDUCATION.

"I have often thought since I have been concerned with the Government of India that the first establishment of universities was a far more momentous event and one almost deeper than the transfer to the Crown." LORD MORLEY.

"Many of the measures necessary for the diffusion of education must depend on the spontaneous zeal of individuals and cannot be effected by any resolutions of Government."

MOUNTSTUART ELPHINSTONE.

"Ever since the cold breath of Macaulay's rhetoric passed over the field of the Indian languages and Indian text-books, the elementary education of the people in their own tongue has shrivelled and pined." LORD CURZON.

"I cannot believe that an examining university will satisfy any longer the needs of an advancing India." LORD HARDINGE.

Division into Periods.

THE history of the development of Indian education under British rule can be divided into four distinct periods.

1. 1782-1818, a period of beginnings.
2. 1818-1854, a period when the foundations were laid and decisions of great importance arrived at.
3. 1854-1901, a period of rapid expansion.
4. 1901 till the present day, a period of examination and modification.

The relation between English and Indian history is very close, and it will be seen how events in England have reacted in India and affected its policy.

The first was a period of constant warfare in both countries. England was engaged, first of all, in the war of American Independence and afterwards in the mighty conflict with Revolutionary and Napoleonic France. Reform, therefore, had to wait; and Pitt was forced to give up the three causes nearest his heart, peace, retrenchment, and reform, which have aptly been described as the beacons of his earlier and the will-o'-the-wisps of his later years. In India there were the wars of Warren Hastings, the campaigns of Cornwallis in Southern India, and the overthrow of the Mahratta Confederacy. The British Government, when not actually engaged in warfare, had perforce to spend its energies chiefly in strengthening the authority of its rule rather than in extending the principles of progress. Moreover, Warren Hastings, the dominating figure of the time, was a genuine admirer of the laws and literature of the East. His policy was to enable the ancient learning to revive and flourish under the protection of a stable Government, and to interfere as little as possible with the habits and customs of the people. The first educational institution established by the British was the Calcutta Madrasa for Muhammadans, founded by Warren Hastings in 1782. Government also supported the Sanskrit College at Benares, which was opened for Hindus in 1791, the object in each of these institutions being to encourage the study of Oriental languages.

1782-1818. A time of War.

Some years later, two forces tended to bring about a change of policy in educational matters, and to create a desire for Western, rather than Eastern, learning. The humanitarian spirit, which had been kindled in England by Wesley, Burke, and Wilberforce, also influenced action in India. Christian missionaries arrived in India, especially in the Madras Presidency, and began to start schools and colleges. Carey, Marshman, and Ward opened the first missionary college at Serampore in Bengal in 1818; and twelve years later, Alexander Duff by his educational labours emphasized the importance of teaching in the work of missionaries. In the next place, there arose among the

Indians themselves a desire to partake of the learning and training of the West. The leader of this movement was Raja Ram Mohan Roy, one of India's greatest social reformers. By his efforts the Hindu College in Calcutta (now Presidency College) was started.

In England the next period was a time of peace and reform. The Napoleonic wars were over, and there was marked progress in all directions. In Indian history there is a corresponding period of brightness, much of which was due to Bentinck, Elphinstone, and Munro. In Bombay, Elphinstone was keenly interested in the progress of education, and, on his departure, certain gentlemen raised the money to found two professorships in his memory. The lectures were given first of all in the Town Hall, but the fund was soon diverted to the support of a college, which still bears the revered name of Elphinstone.

1818-1854. A period of Reform.

In 1833, Macaulay arrived in India as the first Law Member of the Governor-General's Council. At that time two schools of thought were struggling for mastery. Should the Government be content merely with giving encouragement to the study of Oriental languages, or should it try to introduce Western methods, learning and culture into India? The problem was as difficult as any which has confronted the British Government in India, and the controversy was severe; yet Macaulay took little time in coming to a conclusion, and within a few months drafted his now famous minute. His energetic defence of Western study and his virulent opposition to the Oriental languages were decisive. With regard to the latter, he said that "the pupils will there acquire what was known 2000 years ago, with the addition of vain and empty subtleties since produced by speculative men, such as is already taught in all parts of India. The Sanskrit system of education would be the best calculated to keep the country in darkness. As the improvement of the Indian population is the object of Government, it will consequently promote a more liberal system of instruction, embracing mathematics, philosophy, chemistry, anatomy and other

Macaulay's Minute.

useful sciences." He goes on to ask "whether we can countenance, at the public expense, medical doctrines which would disgrace an English farrier, astronomy which would move laughter in girls at an English boarding school; history abounding in kings thirty feet high, and reigns thirty thousand years long, and geography made of seas of treacle and seas of butter."

It is probable that in his main conclusion Macaulay was right. The exigencies of politics, the improved means of communication linking up East and West, and the actual desire of Indians themselves to be trained in Western thought rendered it impossible to adopt any other policy. "We are withholding from them," wrote Macaulay, "the learning for which they are craving; we are forcing on them the mock learning which they nauseate." On the other hand, many of his utterances were incorrect, and his condemnation of the Oriental writers was unjust as well as ungenerous. The opinion of Elphinstone was far more statesmanlike, and might well have been adopted.

Criticism of the Minute.

"At no time," wrote he, "could I wish that the purely Hindu part of the course should be totally abandoned. It would surely be a preposterous way of adding to the intellectual treasures of a nation to begin by the destruction of its indigenous literature; and I cannot but think that the future attainments of the Indians will be increased in extent, as well as in variety, by being, as it were, engrafted on their own previous knowledge and imbued with their own original and peculiar character."

For better or for worse the die was cast; and the new learning was established. Schools and colleges were multiplied; and events tended to develop education policy along the lines laid down by Macaulay. In 1844, Lord Hardinge issued a regulation enjoining the selection for Government service of candidates who had received an English education; and, secondly, the adoption of English as the language of public business and of the Courts rendered a still further impetus to the development of English education in India.

The Dispatch of 1854.

The period ends with the famous dispatch of 1854, written by Sir Charles Wood, the President of the Board of Control, to Lord Dalhousie, the Governor-General, and by it another important decision was made. Hitherto, education had been confined almost entirely to the higher classes, in the hopes that they, as the natural leaders of the people, would spread their knowledge among the masses. This was what was known as the "filtration process" of knowledge, that is, knowledge filtering down from the higher to the lower castes. The dispatch, however, dealt with the education of the masses, and stated boldly "the responsibility of the Government towards the toiling millions, and its desire to combat the ignorance of the people, which may be considered the greatest curse of the country." For this purpose, Departments of Public Instruction were established, with a staff of officials to encourage the development of primary and secondary education. The dispatch also broke away from the practice followed since 1835, whereby most of the available public funds had been expended upon a few Government schools and colleges, and instituted a policy of grants-in-aid to private institutions. "Such a system as this, placed in all its degrees under efficient inspection, beginning from the humblest elementary institution and ending with the university test of a liberal education would impart life and energy to education in India, and lead to a gradual but steady extension of its benefits to all classes of people." The dispatch also tried to remedy the more glaring defects of Macaulay's policy with regard to the vernaculars, in that it laid down that "English instruction should always be combined with a careful attention to the vernacular languages of the district, and with such general instruction as can be conveyed through that language." Finally, it paved the way for the foundation of the Indian universities.

The third was a period of rapid expansion. At first, owing to the Mutiny and to other causes, little was done. In 1882, there were 7429 candidates for matriculation at

the three Universities of Calcutta, Madras and Bombay; and in 1889 there were 19,138. At first there was nothing but joy at such a wonderful achievement. "The thing must be seen to be believed," said Sir Henry Maine, "and I don't know which is the more astounding, the more striking, the multitude of the students who, if not now, will soon be counted, not by the hundred, but by the thousand, or the keenness and eagerness they displayed. For my part, I do not think anything of the kind has been seen by any European university since the Middle Ages, and I doubt whether there is anything founded by or connected with the British Government in India which excites so much practical interest in Indian households of the better class, from Calcutta to Lahore, as the examinations of the University."

1854-1901. Rapid Expansion.

The encouragement of the grant-in-aid system was advocated to an even greater extent by the Education Commission, which met in 1882 under the chairmanship of Sir William Hunter. The Commission recommended the policy of withdrawing higher education from the control of Government within certain limits and of encouraging private effort. In theory the decision was right, but in practice it was wrong. In its fatal desire to save money, Government encouraged the mistaken belief that schools and colleges could be maintained on the low fees which the Indian parent can be expected to pay. And, in the course of time, an unworkable system of dual control grew up whereby the universities, with no funds at their disposal, were entrusted with the duty of recognizing schools, and the Departments of Public Instruction were encouraged to cast a blind eye on the private institutions and to be content with the development of a few favoured Government institutions. There can be little doubt that, under such a system, evils crept in which can only be removed by drastic changes and by lavish expenditure.

The final period, which has been one of modification, began in 1901. Lord Curzon was the Viceroy, and he applied all his energies to educational reform. An

Educational Adviser to the Government of India, known as the Director-General of Education,[1] was appointed; a Commission of Enquiry travelled round India and issued a report on the needs and conditions of the Indian universities. In 1904 the Universities Act was passed. The main object of the Act was to tighten up control on the part of Government over the universities, and on the part of the universities over the schools and colleges. Permission was also granted to the universities to undertake direct teaching functions and, subject to Government sanction, to make appointments for these objects. In 1911 the needs of education became so pressing that an Education Member of the Governor-General's Council was appointed.

Lord Curzon and Education.

In 1919, there were six provincial universities, at Calcutta, Madras, Bombay, Allahabad, Lahore and Patna. The Governor-General is the Chancellor of the Calcutta University, and the head of the provincial Government concerned is the Chancellor of each of the other universities. The executive of the university is the Syndicate, which is presided over by the Vice-Chancellor who is nominated by the Government; and the other members, except the Director of Public Instruction who is an *ex-officio* member, are elected by the various Faculties. The Registrar is an officer appointed by the Senate, who keeps the minutes of all Syndicate and Senate meetings, and is responsible for the transaction of all university business. In addition, there are the Boards of Studies, whose duty is to recommend text-books, and generally to supervise the existing curricula. The legislative body of each university is called the Senate, the members of which are usually nominated by Government, though a small number are elected by the graduates or by the Faculties. The Senate may frame regulations connected with the work of the university, but these regulations are subject to the sanction of the Government concerned. At the beginning of

Universities.

[1] Now called the Educational Commissioner with the Government of India.

this century, there were certain defects in the organization of the universities. The Senates had become large and unwieldy, the number of the Senate in Bombay being 310. The result was that the policy of the universities had not been kept abreast of modern innovations, and that reforms had long been due. In accordance with the Universities Act of 1904, certain changes were made. The Senate of each university was reduced to a maximum of one hundred in number; and in the election of members of the Syndicate provision was made that a certain number of those actively engaged in the work of education should be selected. The constitutions of the new universities at Benares and Mysore, however, are somewhat different. In the former university a dividing line is drawn between administrative matters, entrusted to a large and representative body called the Court, and academic matters, entrusted primarily to a Senate which is largely composed of the teachers of the university.

Inspection of Colleges.

The Act also dealt with such colleges as were affiliated to the university, many of which were in a somewhat inefficient state. Hitherto the university had been merely an examining body which had set the standard required for each examination. By the inspection of the affiliated colleges the university was enabled to promote the efficiency of those institutions. At the present day there are signs that the university will take upon itself further functions and duties. Lord Hardinge has stated that a university which merely examines will scarcely satisfy an advancing India. In Calcutta, in particular, there are a large number of university teachers who are engaged in post-graduate teaching and in research.

Courses of Study and Examination.

The courses of study vary in detail in the different universities, but in the main principles are the same. In Arts and Science the course is one of four years, in the middle of which is an Intermediate or First Arts examination. The examination for the degree of Bachelor of Arts is held at the end of the fourth year, the same rule applying to the Science side. The

rules in regard to honours vary. In Calcutta the honours and pass courses are separate; in Bombay the honours student takes in addition to the pass three extra papers; and in Madras the honours course is taken the year subsequent to and in addition to the pass course. The degree of Master of Arts is given on a further examination, which takes place one or two years subsequent to that for the B.A. degree. In Madras the place of the M.A. examination is, to some extent, taken by the Honours Course. A Law degree can only be taken by graduates. There are other courses, such as those in agriculture, medicine, engineering, and the rule is that candidates for these courses should first attend an Arts college for one or two years before proceeding to the professional colleges.

Technical Education.

It is only recently that places for technical institutions have been established on anything like a large scale. There are industrial schools in many places, but the instruction given is often of an inefficient nature. Some of these schools are maintained by Government, others by municipalities or local boards, and others by private bodies. The most progressive institution of this kind is perhaps the Victoria Technical Institute in Bombay, which was founded in commemoration of Queen Victoria's Jubilee. The object of the institute is to give the students a grasp of scientific facts and to turn out workmen fit to be employed in any industry. Owing to the munificence of the late Mr. Tata, an Institute of Science has been founded at Bangalore for post-graduate study and research. Government Schools of Art have been established in the Presidency towns and at Lahore. The students are taught not merely painting, sculpture, and architecture, but also what may be termed "Arts and Crafts," such as pottery, iron work, wood-carving, enamelling, gold and silver work. There are also colleges of engineering, the oldest of which is the Thomason College at Roorkee, called after its founder, the Lieutenant-Governor of the North-Western Provinces in 1848. Others are the Sibpur College in Bengal, the College of Science at Poona, and the College of Engineering at

Madras. Students are trained for employment under private firms or the Public Works Department. There is also, as a rule, an apprentice department and an artizan class, where the instruction is very largely of a practical nature. The School of Forestry is situated at Dehra Dun, in the north of India. Considerable progress has also been made of late years in the Agricultural colleges in the study of scientific methods; and there is a college principally for research at Pusa in the province of Bihar and Orissa. Attention is also being paid to the value of sound commercial training. Subjects, such as book-keeping, précis-writing, and correspondence are now being included as subjects for the School Final Examination. In Bombay, the Sydenham College of Commerce has recently been started, which prepares students for a degree in commerce at the University of Bombay. Finally, there are the medical schools and colleges, which attract a great many students. At these institutions students are trained for the medical degrees at the various universities, and are in touch with the great hospitals where instruction in surgery can be given by the doctors who are also professors at the medical colleges.

Moral training and Hostels.

It has been the policy of the British Government to abstain from interference in matters of religion. In the Government schools and colleges no religious instruction is given; but in the aided colleges there is nothing to prevent such instruction, the only condition being that the secular instruction should be of an efficient order. Sir Valentine Chirol has spoken of "the careless diffusion of an artificial system of education, based none too firmly on mere intellectualism, and bereft of all religious and moral sanction." These are serious words, and others well qualified to speak have similar opinions. It must not be thought, however, that Government has been apathetic in this respect; on the contrary, much has been done to inculcate a better tone and to provide moral training in the schools and colleges. There are many Christian colleges in India, where religious

instruction is given. Sir Syed Ahmed founded a college at Aligarh,[1] where Muhammadans are trained in the faith of Islam; and there is now the Benares University, the foundation stone of which was laid by Lord Hardinge in 1916. Many improvements have also been made in the hostels. Medical and other authorities have pointed out that at Calcutta especially and elsewhere the boarding establishments are such that physically and morally the students are evilly affected. In Calcutta, the University inspects these houses; and all over India better hostels are being provided by Government and private institutions.

Schools.

The provision and inspection of schools is necessarily the chief care of Government. The general policy of Government towards the schools has been summed up by Sir Andrew Fraser in these words: "The progressive devolution of secondary and collegiate education upon private enterprise, and the continuous withdrawal of Government from competition therewith, were recommended by the Education Commission of 1883; and the advice has been generally acted upon. But, while accepting this policy, the Government at the same time recognise the extreme importance of the principle that in each branch of education Government shall maintain a limited number of institutions, both as models for private enterprise to follow, and in order to uphold a high standard of education. In withdrawing from direct management, it is further essential that Government shall retain a general control by means of efficient inspection over all public educational institutions." Comparatively few schools, therefore, are Government institutions, the majority being in the hands of municipalities or local boards, of private persons, or of missionary societies. The latter may receive from Government grants-in-aid. In the olden days the basis of the grant depended upon results, but this system has proved unsatisfactory in India as well as in England; and the

[1] A Bill has just been passed to transform the college into a university.

present policy is to allocate the grant in accordance with the general efficiency of the school and the amount of money it spends on the salaries of teachers, buildings, and general equipment.

Secondary and High School Education.

The policy of Government is to maintain a small number of high schools (roughly one for each revenue district), which are to be regarded as models for private enterprise. In 1911-12 there were 1,219 high schools for boys in India; and in 1917-18 the number had risen to 1,659, the number of scholars in the former year being 390,881, and in the latter year 563,731. Some attempts have been made to give a greater bias towards a more practical form of instruction in these schools. The Commission of 1882 suggested that there should be two sides in secondary schools, "one leading to the entrance examination of the universities, the other of a more practical character, intended to fit youths for commercial and other non-literary pursuits." Some years later, what were called B and C classes were started in some schools in Bengal, but, as they did not lead to a university course, they have not been successful. In more recent years, the Government of India has advocated the institution of a School Final Examination in which the more practical subjects may be included. Efforts have also been made to improve the conduct of the matriculation, and to emphasize the importance of oral tests and of school records. In Madras, this examination, which was placed under the direction of a Board representative of the University and of Government, has proved somewhat cumbrous, and certain modifications are being made. In the United Provinces, only the better schools are privileged to prepare for the School Final Examination "so that better results have been achieved." In the Punjab and in Bombay, the school leaving examination is conducted by Boards. But the main difficulty has not yet been touched. The university which recognises the schools has no money wherewith to improve them; and the Department of Public Instruction, which allots the Government grants, has no responsibility

for the recognition of schools. This dual authority and this division of responsibility have had an unhappy effect on the schools. The standard of the schools also is very low so that the matriculates are often unable to benefit by the college courses. In Mysore, the standard of the schools has been raised by withdrawing from the university the first year's classes and by placing them in a number of the better schools in the State.

Primary Education.

Primary education is mainly under the direction of the local boards and municipalities. The number of pupils in these schools has increased very rapidly during recent years, but there is still much leeway to make up. In the last Census report the literate population of India was only 59 per thousand (males 106 and females 10 per thousand). In 1911, the late Mr. G. K. Gokhale pleaded in the Imperial Legislative Council for a modified system of compulsory primary education, but Government was unable to accept the proposal. In recent years, certain of the provincial legislative councils (notably Bombay) have passed legislation whereby municipalities are empowered to impose a system of compulsory primary education within their areas. In the Bombay Presidency, a few municipalities have already taken advantage of the Act, with the assistance of the Bombay Government. The same Council has agreed to contribute a large sum annually to the municipality of Bombay for these purposes.

Scholarships.

There is a systematic scheme of scholarships which assists any clever boy from the time he attends the primary school until he has graduated at the university; and even after that the Government, the universities, and private bodies have funds at their disposal to assist a few students to go to England for the completion of their studies. There is a special department at the India Office whose business is to provide such students with the necessary information and advice.

The Educational charges incurred by Government have steadily been increasing. In 1906-7, the total expenditure

on education amounted to Rs. 560 lakhs. The figure now amounts to Rs. 11,29 lakhs. Of the latter amount Rs. 614 lakhs come from public funds. The following table shows the total expenditure, direct and indirect, on public instruction by the several provinces.

Finance.

TOTAL EXPENDITURE, DIRECT AND INDIRECT, ON PUBLIC INSTRUCTION.

Province.	Ten years ago, 1906-07.	Five years ago, 1911-12.	Pre-war year, 1913-14.	1916-17.
	Rs. (lakhs)	Rs. (lakhs)	Rs. (lakhs)	Rs. (lakhs)
Bengal - - - -	1,17	1,72	2,21	2,43
Madras - - - -	98	1,36	1,80	2,17
Bombay - - -	1,06	1,36	1,60	1,56
United Provinces - -	75	1,08	1,28	1,47
Punjab - - - -	52	69	96	1,09
Bihar and Orissa - -	(a)	(a)	80	82
Burma - - - -	35	47	62	67
Central Provinces - -	22	33	41	49
Assam - - - -	51(c)	80(c)	23	26
Delhi - - - -	(b)	(b)	(b)	12
Other Provinces (d) -	4	7	14	21
Total -	5,60	7,88	10,05	11,29

(a) Included in Bengal. (b) Included in the Punjab. (c) Includes Eastern Bengal. (d) North-Western Frontier Province, Ajmer-Merwara, Baluchistan, Coorg, and Bangalore, the last for 1916-17 only.

Education is subject to the control of the provincial Governments, but there is now an Education Member on the Governor-General's Council whose duty is to superintend generally the work of the local departments. At the head of each department is a Director of Public Instruction, under whose supervision work an army of professors, inspectors, and teachers. There are the Indian Educational, the Provincial, and the

Organization.

Subordinate Services, the former being recruited mainly from England and the two latter in India. The universities, as has already been shown, are governed by their own organizations, but the Director of Public Instruction is an *ex-officio* member of the Syndicate and of the Senate, and many of the professors are members of the Senate and also of the Syndicate. For the purpose of the inspection of schools, each province is divided into divisions, each of which is administered by an inspector; and the Inspector of European schools is responsible for these institutions throughout the whole province.

Teachers.

The provision of satisfactory and efficient teachers for all classes of schools has caused much anxiety to Government. The salaries given to teachers are often very low, and it is feared that the teaching profession does not attract men of such standing and intellect as would be desired.

European Schools.

The education of domiciled European and Eurasian boys and girls has also proved a matter of considerable difficulty. With the increased efficiency of Indian education these boys no longer control a monopoly of such posts as require an intimate knowledge of English, and, moreover, their style of living requires a larger salary than what would ordinarily satisfy an Indian of similar attainments. "Every Viceroy," said Lord Curzon, "has gazed at this problem, and has been left sympathetic but puzzled." A great deal, however, has been done in recent years. A special inspector for European schools has been appointed in each province, whose duties are to allocate the Government grant between the various schools under his charge, and generally to improve the efficiency of the instruction. In most provinces there is a European School Final Examination, which in some cases is held as an equivalent to the matriculation. Some of the schools prepare for the Cambridge Local Examination, but the multiplicity of examinations is considered a serious evil. In 1911 a large donation was given by a private individual for the improvement of European education in India, and

the occasion was utilized for appealing to the general public, both in England and India.

Until recent years the Government of India has not done much for the education of girls, and the Commission of 1882 stated that such instruction deserved special encouragement and liberality. But the difficulties in front of those who would make reforms in this direction are manifold. The supply of efficient lady teachers is very limited ; and Sir John Strachey has said that "the idea that the women or at any rate respectable women ought to receive a school education, or any of the instruction that is proper for boys, is one that is entirely new in India, even among that small section of the population which has been powerfully affected by Western habits of thought." Some advance, however, has been made in recent years. There are schools, primary and secondary, for girls, and in some places the girls have taken their places beside the young men in attendance at lectures for the University degree. Whether or not a system of co-education, which is such a leading characteristic of American and other systems of public instruction, is advisable in India need not be discussed here, but the tendency seems to be growing towards the institution of separate colleges for lady students. There are two such colleges already in Madras city, and the Bethune College and the Diocesan College for Girls in Calcutta. An important school is the Alexandra Native Girls' English Institution in Bombay, which was founded in 1863, in commemoration of the marriage of King Edward VII. There is also the Queen Mary School at Lahore.

Education of Girls.

A medical college for lady students has been started at Delhi in memory of the late Lady Hardinge, for which very liberal subscriptions have been given.

In 1917, a Commission was appointed, under the chairmanship of Dr. M. E. Sadler, Vice-Chancellor of the University of Leeds, to inquire into the conditions and prospects of the University of Calcutta, and to consider the question of a constructive policy in relation to the questions which it presents. The Commission recommended drastic changes

in the educational system, both in its organization and in its methods of teaching.

One of the chief recommendations was that the intermediate classes should be transferred from the universities to a new type of institution to be called an Intermediate College. These colleges and the high schools were to be placed under the control of a public authority, the Board of Secondary and Intermediate Education. The Commission also recommended the institution of a unitary and residential university at Dacca, in which the university should both control and conduct all the teaching; and that preparations should be laid for other similar universities in Bengal as soon as the places concerned were sufficiently strong to accept such responsibilities. In Calcutta, the Commission advocated the retention of the colleges, but advised that they should be placed under stricter control and in closer association with the university than before. The Commission also felt that the organization of the university was faultily devised, and therefore proposed the constitution of a large and representative Court, a small Executive Council, and an Academic Council to control the teaching of the university. A year later a Bill was passed by the Imperial Council for a constitution of a university at Dacca.

CHAPTER XIII.

MEDICAL RELIEF AND SANITATION.

"The present state of living is deplorably low. Ignorance of sanitary or medical principles is practically universal."

UNDER-SECRETARY OF STATE FOR INDIA,
SPEECH IN HOUSE OF COMMONS, 1911.

"The triple alliance of the rat and the flea and the mosquito has beaten the Government of India." GEORGE PEEL.

"I wish I could give a satisfactory account of the progress of sanitary improvement, but the prejudices and ignorance of the people make even simple reforms difficult. There are not many parts of India which are not liable to frequent epidemics of cholera, and in late years bubonic plague, which, except in the remote Himalayan districts, had long been almost unknown, has become lamentably destructive." SIR JOHN STRACHEY.

Difficulties in the way of Reform.

OF all the Government departments in India that of Medical Relief and Sanitation is perhaps the most important, and at the same time the most difficult. The conditions of life are less favourable to health in India than in Europe; and, in addition, the power of resisting disease is considerably less. Early marriage, which is customary in the East, has evil effects not only on the parents but also on the children of such unions. Good health also depends very largely on nourishing and suitable food; and in India the primitive methods of cooking add to the difficulties of digestion, and thereby impair the health. The poverty of many of the people also causes not only an insufficiency of food, but also of housing and clothing. The rate of infant mortality in India is

alarmingly high. This is due very largely to the custom of early marriage, the ignorance of mothers, insufficient food, insanitary conditions, and to the fact that the mothers are often engaged in physical labours up to the very time of child-birth. Sanitary arrangements, even in some of the big towns of India, are very primitive, and in many of the rural districts they can scarcely be said to exist. "The village house is still often ill-ventilated and over-populated; the village site dirty, crowded with cattle, choked with rank vegetation, and poisoned by stagnant pools; and the village tanks polluted and used indiscriminately for bathing, cooking and drinking." The result of this alliance between a reduced power of resistance on the one hand and unhealthy conditions of life on the other is that the death-rate in India is very high and disease and ill-health very common. Still, improvements are being made, and it is not from want of effort on the part of the Government or its medical officers that the present situation is so unsatisfactory. Those associated with the big towns can also testify to the enormous improvements that have been made; and the efforts to combat the traditions of ages, the superstitions and the ignorance of the poorer classes, have not by any means proved a failure.

Medical Services.

The more important medical posts are filled by the officers of the Indian Medical Service, who are recruited in England by competitive examination, in which a number of Indians have been successful. The service was originally divided into three branches, corresponding to the armies of Bengal, Madras, and Bombay, but in 1896 these divisions were united. The medical service was started first in Bengal in 1764 for the purpose of attending to the servants and troops of the East India Company serving in that province. Though these officers hold commissions in the army, they are engaged very often, as will be seen later, in the performance of civil duties. Their military duties are restricted entirely to the Indian army, as the needs of English troops serving in India are looked after by the officers of the Royal Army Medical

Corps. There are, in addition, civil and military subordinate services, the members of which are recruited in India from those who have been trained in the medical colleges of the country, and have been successful in the necessary examinations. The senior members of the subordinate service are assistant-surgeons in the larger hospitals, or they may be in charge of smaller hospitals; and, in some cases, they may be promoted to posts usually held by members of the Indian Medical Service. The term subordinate service is used in this connection, but it corresponds very closely to the provincial services of other departments.

Organization.

The medical administration is subject to the control of the provincial Governments, and the chief administrative officer is termed the Surgeon-General in Madras, Bengal, and Bombay, and in other provinces the Inspector-General of Civil Hospitals. In most provinces there is also at headquarters a Sanitary Commissioner who is responsible for the supervision of sanitary matters throughout the province. In each district the Civil Surgeon is in charge of the medical and sanitary arrangements, and assists the local authorities in the management of their hospitals and dispensaries, but in Bombay there are a certain number of Deputy Sanitary Commissioners who deal with matters connected with public health. The Director-General of the Indian Medical Service is responsible to the Government of India. It is his duty to supervise the medical work throughout India. There is also a Sanitary Commissioner, whose duty it is to advise the Government of India in these matters.

Hospitals.

Some of the hospitals in the large towns of India are more than a hundred years old, but generally speaking, the provision of hospitals and dispensaries has been the work of the last forty years. In the past, the difficulties have been many. Medical officers were scarce; the Indians for the most part were unfamiliar with Western methods; and in spite of much generosity from private sources there was a lamentable lack of funds. Most of the hospitals are now subject to Government control. These

are supported or aided by provincial, district, or municipal funds, and also by private subscriptions. Of late years the local authorities have taken an ever-increasing share in the administration of medical relief; and it is estimated that the local boards and municipalities are responsible for 43 per cent. of the money devoted to medical relief and sanitation. There are also a certain number of independent private institutions, especially in the Bombay Presidency, and others connected with public services such as the railways and the police. At each district town there is a hospital under the direct supervision of the District Surgeon, to which the more serious cases are taken. In the Presidency towns are the most important hospitals, which are staffed to some extent by officers of the Indian Medical Service. The most important of these is connected with the Medical College, the professors of which are usually the physicians attending the hospital. At the Grant Medical College in Bombay the course requisite for a medical degree at the Bombay University is one of five years, and the students attend the Jamsetji Jeejeebhoy Hospital where the difficult operations are performed by the leading surgeons of the Presidency.

Hospitals for Women.

The medical treatment of women is a very difficult problem before the Government of India. The women of India, and especially those of the upper classes, are precluded by custom from attending hospitals where the physicians are males, and, in consequence, there is a great deal of sickness and suffering. In 1885, the National Association for supplying Medical Aid to the Women of India was started by the Countess of Dufferin, and Lady Curzon and others have continued the good work. The Association is maintained by private subscriptions and occasional Government grants. In connection with the objects and work of the Association, the following words of Sir John Strachey may be quoted:

"Its object is the provision, on a large scale, of the means of teaching and training women in India to act as doctors, hospital assistants, nurses, and midwives; the

establishment, under female superintendence, of dispensaries and hospitals for the treatment of women and children; the opening of female wards, under female superintendence, in existing hospitals and dispensaries; the provision of female medical officers and attendants for existing female wards; and the supply of trained nurses and midwives for women in hospitals and private houses."[1]

A medical college for women has recently been started at Delhi in memory of Lady Hardinge. The college is open to lady students from all parts of India.

Surgery.

Surgery naturally takes a leading part in the work of a hospital, and in this connection remarkable progress has been made in India. The skill of the surgeons is very considerable, a fact which is proved by the success of their operations. In Bombay, out of 97,790 operations performed in 1913, only 523 proved fatal.

Plague.

Since the year 1896 there has been plague in India. At first the disease was confined within the limits of the Bombay Presidency, but latterly it has spread to nearly every part of India. It is difficult to obtain reliable statistics as to the death-rate in India, but it is estimated that over 6,000,000 people have died from plague since the beginning of the century, and the actual mortality is probably even greater. The most serious outbreaks have taken place in Bombay, the United Provinces, and the Punjab. Great efforts are made to prevent the disease spreading to other countries by careful inspection of outward-bound steamers, and these have in the main been successful. It has been discovered that plague germs enter the body through the skin, and are generally put there by fleas which come from rats suffering from plague. Much progress has been made in the cleanliness of the houses and by the extermination of rats. Inoculation against plague has also been very successful, and statistics go to prove the truth of this statement. A few instances will suffice. At Belgaum eighty-three people, men of the Army Hospital

[1] *India: its Administration and Progress*, p. 274.

Corps and their wives and children, were living close to the European Hospital, and were all inoculated with the exception of three. At the end of the plague season it was found that not one of the inoculated eighty had had plague at all, whilst two out of the other three had died of it. Of the police in Khandesh, 1508 were inoculated and 230 refused. There was ten times the mortality among the 230 uninoculated than there was among the 1508 who had been inoculated. Special inoculators are sent to the affected districts, and measures are taken to demonstrate the value of rat destruction, cleanliness, and inoculation in checking the attacks of plague.

Small-pox.

Small-pox also is very prevalent in India, principally in Madras and Bengal. It is a terrible scourge, and is perhaps the most infectious of all diseases. In England small-pox used to be rampant, but has been eradicated almost entirely by means of vaccination which is almost universal. To be thoroughly effective, re-vaccination should take place every six or seven years, and also during epidemics of small-pox. In British India, during the year 1916-17, out of a population of 246,000,000 only 8,200,000 were vaccinated for the first time, and there were just over a million re-vaccinations. Still, the progress in late years has been very marked, in spite of many difficulties, and of the somewhat natural reluctance of the people to submit to an operation of whose value they are unfortunately ignorant. In the pages of the *Gazetteer* it is stated that during 1864-5 only 556 persons were vaccinated in Bengal, the United Provinces, and the Punjab; yet in 1916-17 more than five millions were successfully vaccinated in the same provinces. Each province has a large staff of vaccinators who are maintained by the municipalities, local boards, or by Government. These men proceed from village to village, and vaccinate from the calf the people and their children. There is at Belgaum, in the Bombay Presidency, a Vaccine Institute for the preparation of lymph.

Cholera also is very common in India. The germ is one

Cholera.

of those which gets into the body through the drinking water. Whenever there is a serious outbreak of cholera, special officers are sent to find out, as far as possible, the cause of the epidemic, and also to see that proper precautions are taken and that the sick are carefully treated.

Fever.

Fever is perhaps the greatest enemy of India, and it is estimated that between four and five millions of people die every year from this disease. Besides those who die, millions more are weakened and injured by fever. It is generally believed that the germs are carried by the mosquito. It is of supreme importance, therefore, that all stagnant water where the mosquito breeds should be removed as quickly as possible ; and all wells and cisterns should be covered up. Government has done all it can to encourage people, and especially those suffering from fever, to take quinine which may be bought through the post office in small quantities at a very cheap rate.

Sanitation.

It has already been pointed out that in each province there is a Sanitary Commissioner and that the District Surgeon has become the health officer of his district ; but in Bombay there are Deputy Sanitary Commissioners who supervise the work of sanitation and public health. Since 1888 there has also been a Sanitary Board in each province, which controls and supervises the work of the district boards and municipalities in connection with water supply and drainage schemes. In the same Presidency there are local Sanitary Committees, appointed in accordance with the Bombay Sanitation Act, whose duty is to supervise the sanitary arrangements in the areas committed to their charge, to punish offenders, and to levy a small tax for these purposes. The municipalities are enabled to borrow money from Government for big schemes of sanitary reform. As would be expected, the sanitary arrangements of the Presidency towns are carried out on a much more extensive scale, and these are controlled by the various experts serving under each municipality. The water of Bombay is brought from the Tansa, Vehar, and

Tulsi lakes. Much of the improvement is due also to the Improvement Trusts in Bombay and Calcutta.

Medical Research.

The Government of India encourages the study of tropical diseases, and there is an institution at Kasauli, near Simla, where research is being carried on by medical experts. There are, besides, Government laboratories in other places where work of a similar nature is being carried on. In the Bombay Presidency the laboratories are located at Parel, in the building which once served as Government House. This is the plague laboratory for the whole of India. There are also at Kasauli, Shillong, and Coonoor, Indian Pasteur Institutes for the treatment of cases of hydrophobia.

NOTE.—It is hoped that such students as read this chapter will have studied at school the *Health Reader for Indian High Schools*, written by Mr. Percival Wren.

CHAPTER XIV.

PUBLIC WORKS.

"No similar works in other countries approach in magnitude the irrigation works of India, and no public works of nobler activity have ever been undertaken in the world."

"When in 1844, I first went from Calcutta to the present Agra province, I was carried about a thousand miles in a palanquin on men's shoulders, and it took some three weeks to toil through a journey which is now accomplished in twenty-four hours."

SIR JOHN STRACHEY.

THE Public Works Department occupies a very prominent place in the history of Indian administration. This is not so much the case in England, where the railways are in the hands of private companies, the making and upkeep of roads and bridges regulated by the County Councils and Municipalities, and public buildings erected by private firms. The State only retains supervisory powers which are carried out by inspectors acting in the service of the departments of State concerned. In India things have been different. In the past the people were poor and lacking in co-operation. In consequence, the means of communication were slight, there was little or no effort made to conserve the water, and railways were few.

It was during the rule of Lord Dalhousie that Government began to realize that the management of public works was a part of its responsibilities. Mr. Thomason, the Lieutenant-Governor of the North-Western Provinces, had already made a start in the building of

roads, and in 1854 the Ganges Canal was begun. The first railway was that between Bombay and Thana, twenty miles in length, which was opened in 1853; and in the following year another from Calcutta to Hugli was completed. At that time also a Public Works Department was formed in the provinces of Bengal, Madras, and Bombay, each being under the control of the Chief Engineer; and a Secretary to the Government of India for Public Works was also appointed. Since then, military have been separated from civil works and are now looked after by the military department. The control of the railways, which was once vested in the Public Works Department, has been placed in the hands of a Railway Board, and is represented on the Governor-General's Council by the member in charge of the Commerce and Industry portfolio. Irrigation, buildings, and roads are in the hands of the provincial Governments. At the head of each department there is usually one secretary for roads and civil works, and another for irrigation. In regard to the former, the tendency of the times has been in favour of transferring the financial responsibilities for ordinary roads and minor buildings to the district boards and municipalities. The Government of India also has a Public Works Department which is under the member of Council in charge of the Revenue and Agriculture portfolio, and has powers of supervision over the work of the provincial Governments. As a rule, it only interferes in important projects requiring a large expenditure. For the purposes of administration, each province is divided into "circles," each of which is made up of a certain number of districts. A Superintending Engineer is in charge of each circle, and at the head of each district is an Executive Engineer who has under him Assistant Engineers and a subordinate staff.

Organization of the Public Works Department.

In the Public Works Department there are three grades, known as the Imperial, Provincial, and Subordinate Services. In the former are the Chief, Superintending, Executive, and Assistant Engineers. In 1871, the Royal Indian

Engineering College at Cooper's Hill in England was founded, the students of which were trained for the Railways, Public Works, Forests, and Engineering Departments in India. The College was closed in 1906, and the Public Works Officers are now appointed by the Secretary of State. The Provincial and Subordinate Services are recruited in India from those who have been trained in the Engineering Colleges at Roorkee, Poona, Madras, and Sibpur.

The Personnel of the Department.

The cost of Civil Works, which includes public buildings, is a charge against the provincial Governments or, under certain conditions, the district boards and municipalities; and in cases where the estimated cost is above a certain amount the sanction of the Government of India is required. There is an Inspector-General of Irrigation, whose business is to criticize the plans and estimates for irrigation schemes sent up to the Government of India, and to supervise generally the work of irrigation. When once the necessary sanction is given by the Government of India, the construction and upkeep are left to the provincial Governments.

Finance.

The Indian Governments have very rightly paid much attention to irrigation, and the success of their operations is equal to and even greater than that of any other country in the world. These works serve the double purpose of conserving the water and of providing an easy means of transit. Lack of water has always been a terrible obstruction in the way of Indian agriculture, but by means of irrigation nearly 46,000,000 acres of land already have been rendered suitable for cultivation, and on them most valuable crops are grown. Moreover, the rivers of India, except those in Bengal, are not for the most part navigable, but this defect can be partially compensated by the use of canals.

Irrigation.

There are various types of irrigation works in India, but they may be conveniently classified under three heads: wells, tanks, and canals. There are thousands of wells in the country which draw off the sub-soil water, and some

of these have been sunk at considerable cost. Taken individually they are of comparatively minor importance, and only irrigate in each case land ranging from one to twenty acres. This may seem a small amount, but wells of this nature are so numerous all over India that it is estimated that nearly 13,000,000 acres are irrigated by these means.

Wells.

Tanks or reservoirs are used very largely in the Madras Presidency. They are formed in a narrow gorge between two hills by the construction of a dam or embankment which conserves the water in what looks like a big lake. The water is drawn off from the lower end by means of sluices, and is distributed amongst the surrounding fields. These works are often the results of private enterprise, but the Government has undertaken the construction of certain of the largest works and also the maintenance of a large proportion of all the tanks. About 7,000,000 acres, mainly in Madras, are irrigated in this way.

Tanks.

Irrigation from rivers by means of canals has been almost entirely the work of Government, both in construction and in maintenance. A weir is built across the channel at the head of the river delta and thus holds up the water which would otherwise flow down to the sea and be of little value to the country. The water thus stored up is taken away in side channels and distributed to the fields. This system is used very largely in the Madras Presidency. In Northern India a different principle prevails. The water is not so necessary in the lower reaches of the Ganges as in that part there is usually a sufficient rainfall, but is urgently required in the United Provinces and the Punjab. At a certain part of its course the Ganges runs through a large valley, sometimes six miles broad, and also at a considerably lower level than the surrounding country. It is necessary, therefore, to intercept the water further up the river at Hardwar where it leaves the Himalayas, and to bring it in what may be termed an artificial river to the watershed of the Doab, whence it can conveniently be conveyed even to distant parts of the country

Canals.

by means of canals. In the Punjab the waters of the Sutlej, the Jhelum, and the Chenab have also been diverted by similar means, the latter being a work of special magnitude.

In 1905 the administration of the railways was placed under a Railway Board, consisting of a chairman and two other members, whilst the Member for Commerce and Industry takes charge of the work on the Governor-General's Council. The Board is subject to the Government of India and not to the provincial Governments. The Railway Companies may appoint their own staff, but the Government of India enforces its right of approval in the case of the higher offices. The chief officer of each railway is usually known as the Agent, and under him work the Traffic Manager, the Chief Engineer, the Locomotive Superintendent, and the Store-keeper, who are in charge of their respective departments. Some of the higher posts are recruited from England, but exceptions to this rule are often made when men of the necessary qualifications can be found in the country.

Railway Administration.

Towards the middle of last century the Government of India began to see the necessity of supporting the construction and maintenance of railways. Contracts, therefore, were entered into with certain companies in England for that purpose. Government granted the land free of charge and guaranteed the payment of interest at five per cent.; whatever profits there might be over and above that amount were to be shared between Government and the Company; Government had the right of buying up the railway at a fixed rate after the lapse of twenty-five years; and it also had the means of supervision over the management and working of the line. The companies concerned were the Great Indian Peninsula, the Madras, the Southern India, the East Indian, the Bombay, Baroda, and Central India, the Eastern Bengal, and what are now called the North-Western State Railway, and the Oudh and Rohilkhand. Undoubtedly the work done by these companies was of immense value to the country, but

Railway Finance.

for many reasons the financial results were unsatisfactory. The cost of construction proved more than was anticipated, there was a good deal of unnecessary extravagance, the supervision was faulty, and, above all, the Mutiny threw everything into disorder for a time. In 1870, Government instituted a scheme by which the State should take in hand the construction of railways, and a fixed sum was allocated for a certain period of years. The new scheme, however, did not prove a success. Progress was painfully slow, and eventually the old guarantee system was again adopted, with certain alterations, which were to the advantage of Government. During the last forty years many companies have taken a share in the development of Indian railways under these conditions, and more and more money has been borrowed by the Government in the interests of the railways. The manner of raising these loans will be explained in the next chapter. Government has retained its right to buy up these lines thus guaranteed or assisted at the termination of a fixed period of time, and this is being done in many instances.

Success of the Railways.

Much criticism has been levelled at the railway policy of the Government of India. Undoubtedly in the early days the contracts erred on the side of leniency, and there was also a certain laxity in supervision and some extravagance. The mere fact, however, that since the beginning of this century almost every year the railway budget, after deduction has been made for the payment of debt and working expenses, shows a profit, gives evidence of much wisdom and business-like capacity in the management of the railways. And, in addition, the examination of the balance-sheet is not the only test. In every country, and especially in one of vast distances such as India, the railways have increased very largely the wealth of the people. Lines also which could not possibly hope for satisfactory returns have been built in sparsely populated districts with the sole object of improving the means of transit and of increasing the resources of those parts. Other lines, especially in the north-west,

have been constructed primarily for military purposes, and from these losses must be anticipated. Above all, the great part played by railways in the prevention of famine is so important that it will be dealt with separately in the next chapter.

CHAPTER XV.

FAMINE RELIEF.

"Land problems are the real heart of the politics of India. The truest test of a Viceroyalty is the degree to which the holder of the office has helped the people on the land. They are more than the back-bone of the country. They are almost the whole of India."

LOVAT FRASER.

"Famine relief administration is an arduous struggle to avoid extravagance on the one hand and mortality on the other."

BAMFYLDE FULLER.

"What he (the raiyat) wants is the loosening of the bondage of debt which bows him down. Anything that will give him greater self-reliance, and teach him to look not only to Government or its officers but to himself will be to the good."

LORD CURZON.

Organization of Famine Relief.

CLOSELY connected with public works is the sad story of famine in India, and the attempts made in recent years to combat its evil effects. Famines have been common in India from the earliest times. The failure of the monsoon, the poverty of the people, and the fact that so vast a number are dependent on agriculture for their livelihood tend to bring about such disasters. In the past, very little was done to assuage the sufferings of the people. Lord Northbrook realized clearly that famines must be expected from time to time, and that it was the duty of Government to frame a famine policy. Accordingly, a Commission was appointed by Lord Lytton, with Sir Richard Strachey as chairman, to make inquiries and see by what steps Government could help the sufferers. In subsequent years there have been two other Commissions

at work, one under Sir James Lyall and the other under Sir Anthony (now Lord) M'Donnell.

In the light of the reports of these Commissions and of subsequent action, we may try to learn the principles underlying Government policy with regard to famine. The great object of saving life and giving protection from extreme suffering may not only be as well, but in fact will be far better, secured if proper care be taken to prevent the abuse and demoralization which all experience shows to be the consequence of ill-directed and excessive distribution of charitable relief. Indiscriminate charity, therefore, has been avoided, and, as far as possible, the thrift and self-reliance of the people have been maintained. In times of famine in India every man has the "right to work," but not to receive charity. Lists are drawn up in every village of those who cannot work for physical reasons, and who would otherwise starve. To these a certain amount of grain is given. The children are given relief apart from their parents, and are given food and not money. A relief kitchen is started in the village under the charge of some responsible person to whom the children go every day for their meal.

Experience has shown that for the mitigation of famine money should be laid aside during the years of prosperity. A sum of 1½ crores (£1,000,000) is set apart every year, as far as possible, for famine relief and insurance. This money is used either for the reduction of debt or for the prevention of debt which would otherwise have been incurred through loans for railway or irrigation purposes. In times of famine, therefore, the same amount may be borrowed without incurring any real loss to the State. Relief works, usually connected with railway construction or irrigation, are started, and provide the able-bodied with work. Very careful supervision is necessary, and certain conditions are exacted from the workers. The wages are small but sufficient to give a bare subsistence; a good day's work must be done; and the works are situated at a distance from the villages concerned so that all live

Relief Works.

near the works and not in their homes. By this means a sufficiency of relief is combined with a minimum of extravagance. Immediately the rains come the works are closed. All possible labour then is required for the sowing of crops. Relief works of a minor nature, and in this instance close to the villages concerned, are maintained in case of need. Advances are made to farmers for the purchase of seed and cattle, and everything is done to enable the work of the farms to proceed as quickly as possible. Suspension of the land revenue is made during times of famine.

Such, in short, are the efforts made to prevent mortality during times of want. The Famine Commissions have also made suggestions for the prevention of famine. Allusion has already been made to the construction of railways and to the irrigation works. The latter is a great preventive of famine in that it gives a permanent supply of water so that the crops may be saved in times of drought. The railways also assist very materially. The crops never fail throughout the land, and the ravages of famine are always confined to a certain area. Thus there is always a sufficiency of grain in the country, and the function of the railways has been to bring the grain to the tracts where it is wanted or—as has been more common in recent years—to bring labourers from the famine-stricken districts to areas where they can obtain wages and food.

Railways and Irrigation.

The endurance of the people in times of famine is beyond all praise; and there are many instances of liberal help being given by private individuals. Unfortunately, however, the limit of their resources is not great, and a succession of bad harvests always brings famine in its train. Government has realized that it must strengthen these resources by other means. It has learnt to consider "the interests of the Indian poor, the Indian peasant, the patient, humble, silent millions, the eighty per cent. who subsist by agriculture, who know very little of politics, but who profit or suffer by the results, and whom men's eyes, even the eyes of their own countrymen, too often forget." Departments of Agriculture have been

Agricultural Departments.

started, and these are controlled by the provincial Governments, with the help of the Agricultural Adviser who is an officer of the Government of India. The intention is to encourage a scientific study of agricultural methods, and by means of experimental farms to assist the farmers with advice. There is also an agricultural college in each large province, and there is also an institute for research at Pusa which is under the control of the Government of India. Much of the money for this establishment was given by Mr. Phipps, an American admirer of Lord Curzon.

Forests.

The Forest Departments were started as far back as 1864, and are under the control of the provincial Governments, who have the assistance of the Inspector-General of Forests who is an officer of the Government of India. Each province is divided into "circles" or divisions, each of which is administered by a Conservator of Forests. Admission to the Department is under three grades, the Imperial Service being recruited from England by men who have been trained specially in England and in Germany and France, and the Provincial and Subordinate Services being recruited in India, many of whom are old students of the Dehra Dun Forest College. There are about 100,000 square miles of reserved forests, and, in addition, about 150,000 square miles of what are called protected forests. The rules applied to the former are naturally stricter than those of the latter, but under certain conditions the people living near the forest can obtain timber and fuel for their own use. The forests are now worked at a profit, but the benefit of the public rather than the revenue gained from the sale of timber is the chief object of the Forest Department. In times of drought, cattle can graze within the boundaries of the forests and gain subsistence. The people themselves, in the last extremity, can feed on the roots and fruits that can be found within the forests. The protection of virgin forests is also a work essential in all countries, and other governments who are attempting a new policy of afforestation,

often seek the advice of Indian Forest Officers. Much havoc is wrought by fire, and many men are employed to protect the forests from such disasters. It is also an undisputed fact that forests influence very largely the climate of a district. In wet places they act as a preventive against floods, whilst in dry and arid zones they tend to store up water and improve the fertility of the soil.

Land Alienation Act.

The constant alienation of land from the agricultural to the non-agricultural classes and the hopeless indebtedness of the raiyats have also demanded the attention of the Government. In 1879 the Deccan Agriculturists' Relief Act was passed to prevent excessive interest being charged by money-lenders from agriculturists on the security of land. The result has not been wholly satisfactory; and the objects of the Act have sometimes been defeated by the evasions and chicanery of the money-lenders. Many years later the Government became convinced that the land of the Punjab was being alienated with alarming rapidity, and was passing into the hands of those who had little interest in its development. Those who had been dispossessed of their land were overwhelmed with debt, and were becoming a source of danger to the State. After great deliberation, the Punjab Alienation Act was introduced and passed by the Imperial Legislative Council in 1900. The object was to save the small hereditary agriculturists from losing to money-lenders and shopkeepers their land without at the same time depriving them of a reasonable power of borrowing on the security of the land. Members of agricultural classes were forbidden by the Act to sell their land to anyone who was not a member of an agricultural tribe. If they wished to mortgage their land, they might do so freely to members of agricultural tribes, but if they mortgaged to outsiders, such as money-lenders or shopkeepers, their debt would be considered cancelled after twenty years. The Act was naturally opposed by the money-lending classes, but it has been of immense value in keeping the fine peasantry of the Punjab in contented possession of their ancestral lands.

Under the terms of certain special Acts, Government is empowered to advance sums of money, known as *Takavi* grants, to the agriculturists for the purpose of sinking wells, buying seed, and generally improving their land. These amounts are paid back to Government by instalments; and these instalments, like the payment of land revenue, are remitted in times of want.

Takavi Grants.

These loans have merely the negative object of preventing either the excessive charges of interest or the consequent alienation of land. They can never supply more than a very small fraction of the capital needed for agriculture; and it is to co-operation and self-help that the agriculturist must turn for real improvement. The co-operative movements in India have been most successful. Sir Theodore Morison has very tersely explained the difficulty in these words: "The cultivator must have credit; if it is hard to get he is ruined by the usurer; if it is easy he (borrows recklessly and) ruins himself." The constant indebtedness of the agriculturist is no new thing, either in India or in other countries. "Munro in Madras, and Elphinstone in Bombay," wrote Sir Frederick Nicholson, "showed at the beginning of the nineteenth century how utterly sunk in debt the raiyat was; nearly all the raiyats depend on the money-lender for maintenance from crop to crop; the whole of the surplus produced went to the money-lender as payment of interest; as for the payment of principal, it never entered their heads." In Germany "the poor were drifting into a state more abject than servitude. No longer did they rely on the play of their own personality. Their faith in themselves and such powers as they still possessed was fast waning. Their judgment was becoming warped. Their spirit of enterprise and initiative was losing all impetus." Mr. Wolff also bears testimony to the same fact in these words: "From one and all have I heard that selfsame, ever repeated bitter complaint that the villages are being sucked dry by the 'Jews.' Many laws, police regulations, warnings and

Indebtedness of the Raiyat.

monitions have all been tried as a remedy, and tried in vain." From Italy also we hear that the peasants were at the mercy of money-lenders, and were, moreover, compelled to buy inferior goods at ruinously high prices.

Co-operative Credit Societies.

Three great philanthropists, Schultze-Delitzsch and Raiffeisen in Germany, and Luzatti in Italy, took the lead in combating these terrible evils. Their solution of the difficulty was the formation of Co-operative Credit Societies, differing from each other very largely both in form and in detail. The general underlying idea is, however, the same. The peasant by himself fails to obtain reasonable credit, and has little incentive to deserve it. If, however, a number of peasants combine in a society, the society on its joint security obtains loans at a reasonable rate, and it also sees that the peasants who join it are industrious and reliable. The society thus secures both an economic and a moral benefit. The result in Europe has been remarkable. The peasant is gradually being emancipated from the thraldom of the money-lender; and throughout the countryside feelings of hope are taking the place of hopeless despondency. The peasant can now obtain the credit he needs, which will not put him at the mercy of the money-lender. This movement has been extended to India. The pioneer work was most ably performed by Sir Frederick Nicholson, a member of the Indian Civil Service in the Madras Presidency, who wrote a report dealing with such of these institutions as existed in Europe, and suggesting how the system might be adapted to Indian conditions. Such was the zeal of this official that after his retirement he returned to India to assist the people in carrying out his projects. Some years later, Lord Curzon caused the Co-operative Credit Societies Act to be introduced before the Legislative Council, which became law in 1904. The Act was cautious, and merely gave permission for such societies to be instituted, without laying down the definite lines on which they should be built up; and it also empowered local Governments to appoint Registrars of

Co-operative Credit Societies, who should superintend and encourage the work in their respective provinces. The result has been most satisfactory, and each province has developed its societies in the way best adapted to the needs of its people. In this connection the words of Sir Theodore Morison may well be quoted :

"In Bengal the societies are all organised on the strictest principles of unlimited liability ; there is no share capital and no dividends ; the members of the society pledge their joint credit, and on the strength of it obtain capital from depositors which they lend among themselves. Membership is strictly confined to the inhabitants of one village, often of only one hamlet, and it is claimed that the Bengal societies are the 'humblest and smallest' collections of humanity that have formed themselves into co-operative associations in any part of the world. The Punjab is not quite so severely orthodox. There, a system of acquiring shares by instalments has proved very successful, both in providing the bank with capital and entrusting the active co-operation of members in the management. . . . The feature which distinguishes the movement in the United Provinces is the formation of Central Banks, which obtain loans on comparatively easy terms from private capitalists and large banking corporations ; from the capital thus acquired they make loans to affiliated societies in the rural areas of the district. Other provinces have likewise special features of their own." [1]

The movement was originally one for the promotion of credit only, that is for obtaining loans for the poorer classes. It was, however, adapted later on for obtaining cheaper and better seed, or yarn, or implements, or for selling produce, such as corn or cloth, at more profitable rates. Central banks also were started, which served to finance the smaller or primary societies, by combining their credit just as the societies combined the credit of their industrial members. To legalise these advances fresh legislation was introduced, and the Co-operative Credit Societies Act was

[1] Theodore Morison, *Economic Transition in India*, p. 85.

passed in 1912. The whole system of co-operation in India, more especially in its financial aspects, has since been examined by a committee which reported on the subject in 1915.

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GLASGOW: PRINTED AT THE UNIVERSITY PRESS BY ROBERT MACLEHOSE AND CO. LTD.

1920

No. 662